DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION

P.O. Box 690, Jefferson City, Mo. 65102-0690

In the Matter of:	)	
	)	
LAWRENCE S. BUSCHER,	)	**Case No. 140922669C**
	)	
Applicant.	)	

CONSENT ORDER

John M. Huff, Director of the Missouri Department of Insurance, Financial Institutions and Professional Registration takes up the above matter for consideration and disposition. The Consumer Affairs Division, through legal counsel Tammy S. Kearns, and Lawrence S. Buscher, have reached a settlement in this matter and have consented to the issuance of this Consent Order.

1. John M. Huff is the duly appointed Director of the Missouri Department of Insurance, Financial Institutions and Professional Registration ("Director" of the "Department") whose duties, pursuant to Chapters 374 and 375, RSMo,[1] include the supervision, regulation, and discipline of insurance producers.

[1] All statutory references are to the 2014 Supplement to the Revised Statutes of Missouri unless otherwise noted.

2. The Consumer Affairs Division ("Division") of the Department has the duty of conducting investigations into the unfair or unlawful acts of insurance producers and companies under the insurance laws of this state and has been authorized by the Director to investigate and initiate actions before the Director to enforce the insurance laws of this state, including insurance producer license application refusals.

3. On February 26, 1990, Lawrence S. Buscher ("Buscher") pled guilty to Burglary in the Second Degree, a Class C Felony, in violation of § 569.170. The court sentenced Buscher to four (4) years' incarceration. *State v. Lawrence Buscher*, Franklin Co. Cir. Ct., Case No. CR389-1141FX.

4. On April 6, 1990, Buscher pled guilty to Stealing, a Class C Felony, in violation of § 570.030. The court sentenced Buscher to three (3) years' incarceration, to be served concurrent with the sentence imposed in Case No. CR389-1141FX. *State v. Lawrence S. Buscher*, St. Louis Co. Cir. Ct., Case No. 21FCR-8902418Z.

5. On March 21, 2005, Buscher pled guilty to two (2) counts of Assault On Law Enforcement Officer (Physical Injury), both Class A Misdemeanors, both in violation of § 565.083. The court sentenced Buscher to thirty (30) days' incarceration on each count, but suspended the execution of both sentences and placed Buscher on twelve (12) months' unsupervised probation. *State v. Lawrence S. Buscher*, St. Louis Co. Cir. Ct., Case No. 2104R-04672.

6. On July 2, 2014, Buscher submitted an electronic application for a resident insurance producer license ("Application") to the Department.

7. With his Application, Buscher submitted a letter explaining the circumstances surrounding his convictions as well as related court documents.

8. On July 29, 2014, the Department received Buscher's Application to the Missouri Department of Insurance, Financial Institutions and Professional Registration for Written Consent to Engage in the Business of Insurance Pursuant to 18 U.S.C. §1033 ("Section 1033 Waiver Application").

9. Buscher acknowledges and understands that under § 375.141.1(6), the Director may refuse to issue a resident insurance producer license to Buscher because Buscher has been convicted of two (2) felonies.

10. Buscher acknowledges and understands that under § 375.141.1(6), the Director may refuse to issue a resident insurance producer license to Buscher because Buscher has been convicted of four (4) crimes involving moral turpitude.

11. Buscher acknowledges and understands that, pursuant to 18 U.S.C. § 1033, he is prohibited from engaging in the business of insurance in Missouri without the Director's consent because he has been convicted of felonies involving dishonesty or a breach of trust.

12. Buscher acknowledges and understands that he has the right to consult counsel at his own expense.

13. Buscher stipulates and agrees to waive any waivable rights that he may have to a hearing before the Administrative Hearing Commission or the Director, and any rights to seek judicial review or other challenge or contest of the terms and conditions of this Consent Order, and forever releases and holds harmless the Department, the Director and his agents, and the Division from all liability and claims arising out of, pertaining to, or relating to this matter.

14. Buscher acknowledges and understands that this Consent Order is an administrative action and will be reported by the Department to other states. Buscher further

acknowledges and understands that this administrative action should be disclosed on future applications and renewal applications and that it is his responsibility to comply with the reporting requirements of each state in which he is licensed.

15. Each signatory to this Consent Order certifies by signing that he or she is fully authorized, in his or her own capacity, or by the named party he or she represents, to accept the terms and provisions of this Consent Order in their entirety, and agrees, in his or her personal or representational capacity, to be bound by the terms of this Consent Order.

Conclusions of Law

16. The facts admitted herein by Buscher are grounds to refuse his application for a resident insurance producer license pursuant to § 375.141.1(6).

17. The Director has discretion to grant or deny consent to Buscher to engage in the business of insurance in this state pursuant to 18 U.S.C. § 1033.

18. The Director may impose orders in the public interest pursuant § 374.046.

19. The terms set forth in this Consent Order are an appropriate disposition of this matter and entry of this Consent Order is in the public interest.

SETTLEMENT TERMS AND ORDERS

Order Regarding Section 1033 Consent Waiver Application

IT IS ORDERED that the Director, having duly received and considered Lawrence S. Buscher's Section 1033 Waiver Application, will grant such application, subject to the following conditions:

1. In the event that the Director determines that Lawrence S. Buscher, or a representative of Lawrence S. Buscher has made a materially false or misleading statement,

or has failed to disclose information material to the Director's determination herein, the Section 1033 Consent shall be void.

2. In the event that the Director determines that Lawrence S. Buscher has violated any condition of this Consent Order, the Section 1033 Consent shall be void.

3. In the event that the insurance producer license issued to Lawrence S. Buscher pursuant to this Consent Order expires, is suspended, is refused on renewal, or is revoked, the Section 1033 Consent shall be void.

Order Regarding Application for Resident Insurance Producer License

IT IS FURTHER ORDERED that the Department will issue an insurance producer license to Lawrence S. Buscher subject to the conditions set forth herein and the following special conditions:

1. Lawrence S. Buscher shall report to the Consumer Affairs Division any violation of or failure to comply with Missouri insurance regulations and Missouri insurance laws, including those set forth in Chapters 374 or 375, within five (5) business days of such violation or failure to comply.

2. Lawrence S. Buscher shall respond to all inquiries from the Department in accordance with 20 CSR 100-4.100(2)(A).

3. If a consumer complaint is communicated directly to Lawrence S. Buscher, Buscher shall send the Department a copy of the complaint and a copy of Buscher's response to the consumer within five (5) business days of receipt of the consumer complaint.

4. Lawrence S. Buscher shall report to the Consumer Affairs Division any and all of the following incidents involving Buscher: arrest, guilty plea, nolo contendere plea, Alford

plea, finding of guilt, or conviction concerning a felony or misdemeanor. Buscher shall report all such incidents to the Consumer Affairs Division within five (5) business days of their occurrence.

5. Lawrence S. Buscher shall report to the Consumer Affairs Division any administrative action taken against Buscher by any other state or federal governmental agency in Missouri or any other jurisdiction within five (5) business days of the final disposition of such administrative action.

6. The special conditions listed in paragraphs 1 through 5 will expire upon the earlier of the expiration or renewal of Lawrence S. Buscher's two (2) year resident insurance producer license or the refusal or revocation of Buscher's resident insurance producer license.

IT IS FURTHER ORDERED that for two (2) years subsequent to the date of this executed Consent Order, Lawrence S. Buscher will voluntarily surrender his insurance producer license to the Department within five (5) business days of Buscher's entry of a guilty plea, nolo contendere plea, finding of guilt or conviction for a felony or crime of moral turpitude, regardless of whether sentence is suspended or executed.

IT IS FURTHER ORDERED that if Lawrence S. Buscher maintains his insurance producer license beyond the initial term and complies with the terms of this Consent Order, Buscher may apply to renew his insurance producer license and the Director shall consider the renewal application in accordance with Chapters 374 and 375 without regard to Buscher's prior felonies and convictions of crimes of moral turpitude, or the underlying conduct, in *State v. Lawrence Buscher*, Franklin Co. Cir. Ct., Case No. CR389-1141FX;

State v. Lawrence S. Buscher, St. Louis Co. Cir. Ct., Case No. 21FCR-8902418Z; and *State v. Lawrence S. Buscher*, St. Louis Co. Cir. Ct., Case No. 2104R-045672.

IT IS FINALLY ORDERED that the Director may pursue additional legal remedies, as determined appropriate by the Director, and without limitation, as authorized by Chapters 374 and 375 including remedies for violation of, or failure to comply with, the terms of this Consent Order.

SO ORDERED, SIGNED AND OFFICIAL SEAL AFFIXED THIS 7th DAY OF JANUARY, 2015.

JOHN M. HUFF, Director
Missouri Department of Insurance, Financial Institutions and Professional Registration

CONSENT AND WAIVER OF HEARING

The undersigned persons understand and acknowledge that Lawrence S. Buscher may have a right to a hearing, but that Lawrence S. Buscher has waived the hearing and consented to the issuance of this Consent Order.

Lawrence S. Buscher — Date: 12/29/14

Lawrence S. Buscher
5540 Brookton Way
St. Louis, MO 63128
Applicant

Counsel for Applicant — Date

Name: _____
Missouri Bar No. _____
Address: _____
_____
Telephone: _____
Facsimile: _____
Email: _____

Tammy S. Kearns — Date: 12/31/14

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