DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION

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

IN RE: JOSEPH M. LATOUR
Rural Route 5, Box 1315
Ava, Missouri 65608

Case File Tracking #104540

VOLUNTARY FORFEITURE AGREEMENT

It is hereby agreed by JOSEPH M. LATOUR and the Consumer Affairs Division of the Department of Insurance, Financial Institutions and Professional Registration, as follows:

WHEREAS, John M. Huff, or his successor, is the duly appointed Director of the Department of Insurance, Financial Institutions and Professional Registration, State of Missouri (hereinafter, Director) whose duties, pursuant to Chapters 374 and 375, RSMo, include the supervision and regulation of the business of insurance;

WHEREAS, the Consumer Affairs Division of the Department of Insurance, Financial Institutions and Professional Registration is charged with investigating producers and companies engaged in the business of insurance pursuant to Section

374.085, RSMo 2000 and is authorized by the Director to recommend enforcement action under the laws relating to insurance.

WHEREAS, JOSEPH M. LATOUR is currently licensed in Missouri as a resident insurance producer under License #271533 by the Department of Insurance, Financial Institutions and Professional Registration, pursuant to Chapter 375, RSMo;

WHEREAS, an investigation by the Consumer Affairs Division revealed that:

1. JOSEPH M. LATOUR promoted himself and solicited attendance at two free dinner seminars on July 8, 2010 and July 13, 2010 in Springfield, Missouri with a direct-mail advertising brochure which included the statement "Join us and learn how to earn 13% guaranteed." The brochure was directed to consumers "55 or older" and encouraged those interested to make advanced reservations using a toll free telephone number.

2. JOSEPH M. LATOUR's direct-mail advertisement included bullet point topics indicating that those who attended would learn how to: 1) take advantage of the market's horsepower by earning up to 13%; 2) eliminate market risk to your portfolio; 3) capture interest by linking to the growth of the stock market; and 4) turn your traditional IRA into a tax-free Roth IRA in 2010.

3. JOSEPH M. LATOUR's advertisement indicated a footnote which revealed that the 13% was a "guaranteed first-year rate" but failed to fully disclose the insurance product being promoted.

4. JOSEPH M. LATOUR's advertisement failed to disclose that the 13% rate of return included a first year 10% bonus credited by the insurance company.

5. JOSEPH M. LATOUR's advertisement failed to disclose that the 13% first-year rate of return was subject to surrender charges and withdrawal penalties.

6. JOSEPH M. LATOUR failed to submit the advertisement to any insurance company for review and pre-approval when those resources were readily available before the direct-mail piece was printed and circulated.

7. JOSEPH M. LATOUR had been the subject of a previous disciplinary action by this department for similar advertising violations in July of 2009 when he entered into a voluntary forfeiture agreement and paid a fine of $2,000.

The activity by JOSEPH M. LATOUR which is set out above, subjects him to enforcement action by the Director for the following:

Violation of Section 375.936(4), RSMo (Supp. 2009), by using a direct-mail advertisement identified as an unfair trade practice in the business of insurance using false information and advertising generally, making, publishing, disseminating, circulating or placed before the public, or causing, directly or indirectly to be made, published, disseminated, circulated, or placed before the public, . . . in the form of a notice, circular, pamphlet, letter or poster . . . with respect to the business of insurance . . . which is untrue, deceptive or misleading;

Violation of 20 CSR 400-5.100(3)(A), by using a direct-mail advertisement that failed to . . . be truthful and not misleading in fact or by implication . . . be sufficiently complete and clear so as to avoid deception . . . had the capacity or tendency to mislead or deceive . . . did not present the overall impression that the advertisement reasonably may be expected to create upon a person of average education or intelligence within the segment of the public to which it was directed;

Violation of 20 CSR 400-5.100(4)(B), by omitting material information or use words, phrases, statements, references or illustrations if this omission or the use has the capacity, tendency or effect of misleading or deceiving purchasers or prospective purchasers as to the nature or extent of any policy benefit payable . . . ; and

Violation of 20 CSR 400-5.100(4)(E), by failing to prominently describe the type of policy advertised.

WHEREAS, JOSEPH M. LATOUR has been informed of the nature of his violations, of his right to counsel and of his right to contest any attempt by the Department of Insurance, Financial Institutions and Professional Registration, to discipline his insurance producer license, or to recover whatever penalties or other monetary relief as may be provided for by statute, and states that he understands his rights to contest any such actions;

NOW, THEREFORE, in lieu of the institution by the Department of Insurance, Financial Institutions and Professional Registration of any action to revoke or suspend the insurance producer license of JOSEPH M. LATOUR or to impose any other penalties provided for by statute for the above-described violations, after being afforded the opportunity to consult legal counsel, JOSEPH M. LATOUR, does hereby voluntarily and knowingly surrender and forfeit the sum of four thousand dollars ($4,000.00), such sum to be paid into the Missouri State School Fund pursuant to Sections 374.046 and 374.280, RSMo.

JOSEPH M. LATOUR shall submit this sum to the Department of Insurance, Financial Institutions and Professional Registration, by cashier's check or money order **payable to the Missouri State School Fund** no later than Friday, October 22, 2010.

DATED: 10-12-2010

JOSEPH M. LATOUR
Producer

DATED: 10-25-2010

ANGELA L. NELSON
Division Director

DATED: 11-2-10

JOHN M. HUFF
Director