DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION

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

RECEIVED
JAN 30 2013
DEPT OF INSURANCE, FINANCIAL INSTITUTIONS & PROFESSIONAL REGISTRATION

IN RE: GARY R. LUNG
31 RIDGE MOUNT CT
ST. CHARLES, MO 63303

Our File Number 182638

VOLUNTARY FORFEITURE

It is hereby agreed by GARY LUNG and the Consumer Affairs Division of the Department of Insurance, Financial Institutions and Professional Registration, as follows:

WHEREAS, John M. Huff 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 and is authorized by the Director to recommend enforcement action under the laws relating to insurance;

WHEREAS, GARY LUNG is a resident licensed producer by the Department of Insurance, Financial Institutions and Professional Registration, pursuant to Chapter 375,

RSMo;

WHEREAS, the investigation by the Consumer Affairs Division revealed GARY LUNG has violated insurance laws by paying client's insurance premium, making himself subject to enforcement action by the Director for the following:

> Violation of Section 375.936 RSMo, Any of the following practices, if committed in violation of section 375.934, are hereby defined as unfair trade practices in the business of insurance:
> (9) "Rebates": (a) Except as otherwise expressly provided by law, knowingly permitting or offering to make or making any contract of life insurance, life annuity, accident and health insurance or other insurance, or agreement as to such contract other than as plainly expressed in the insurance contract issued thereon, or paying or allowing, or giving or offering to pay, allow, or give, directly or indirectly, as inducement to such insurance or annuity, any rebate of premiums payable on the contract, or any special favor or advantage in the dividends or other benefits thereon, or any valuable consideration or inducement whatever not specified in the contract; and
>
> Grounds for discipline exist under Section 375.141.1 RSMo (Supp. 2012), the director may suspend, revoke, refuse to issue or refuse to renew an insurance producer license for any one or more of the following causes:
> (2) Violating any insurance laws, or violating any regulation, subpoena or order of the director or of another insurance commissioner in any other state; and
> (7) Having admitted or been found to have committed any insurance unfair trade practice or fraud.

WHEREAS, GARY LUNG 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 GARY LUNG or to impose any other penalties provided for by statute for the above-described violations, after being afforded the opportunity to consult legal counsel, GARY LUNG, does hereby voluntarily and knowingly surrender and forfeit the sum of $1,000.00, such sum to be paid into the Missouri State School Fund pursuant to Sections 374.046 and 374.280, RSMo.

GARY LUNG shall submit this sum to the Department of Insurance, Financial Institutions and Professional Registration by cashier's check or money order made payable to the Missouri State School Fund no later than February 13, 2013.

DATED: 1/28/13 _____
GARY LUNG
License No. 140023

DATED: 1/31/13 _____
MATT BARTON
Director, Division of Consumer Affairs

DATED: 2-4-13 _____
JOHN M. HUFF
Director, Department of Insurance, Financial Institutions and Professional Registration

Return to:
Dennis Fitzpatrick
Department of Insurance, Financial Institutions and Professional Registration
P. O. Box 4001
Jefferson City, MO 65102