# DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION

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

IN RE: MARK SHIFTAN
9428 ECHO LANE
OVERLAND MO 63114

TRACKING ID 261970 E

## VOLUNTARY FORFEITURE AGREEMENT

It is hereby agreed by Mark Shiftan ("Shiftan") 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" of the "Department"), whose duties, pursuant to Chapters 374, 375 and 385 RSMo, include the supervision and regulation of the business of Motor Vehicle Extended Service Contracts ("MVESC");

WHEREAS, the Consumer Affairs Division of the Department is charged with investigating producers and companies engaged in the business of MVESC pursuant to Sections 374.085, 374.190 and 385.216, RSMo and is authorized by the Director to recommend enforcement action under the laws relating to MVESC;

WHEREAS, Shiftan has applied to renew a resident MVESC producer license

with the Department, pursuant to Chapter 385, RSMo;

WHEREAS, the Consumer Affairs Division has received information concerning Shiftan unlawfully acting as a producer without a license, which is a violation of Section 385.207.3, RSMo (Supp. 2013), and subjects Shiftan to enforcement action by the Director;

WHEREAS, Shiftan has been informed of his right to counsel and of his right to contest any attempt by the Department to refuse to issue his MVESC license, and states that he understands his rights to contest any such actions;

AND WHEREAS, Shiftan, acknowledges and admits for purposes of this Agreement and for purposes of any future action by the Director or the Consumer Affairs Division based on any additional violation of the insurance laws, MVESC laws, or regulations by Shiftan, in which action the Director or the Consumer Affairs Division alleges that the violation described herein forms part of a course of conduct, a business practice, or other such series of similar violations, or that future violations by Shiftan are committed knowingly, intentionally or in conscious disregard of the law, that he unlawfully acted as a producer without a license, and that such conduct violated Section 385.207.3, RSMo (Supp. 2013);

NOW, THEREFORE, in lieu of any recommendation or initiation by the Consumer Affairs Division of any action based on the violation cited in this Agreement, and after being afforded the opportunity to consult legal counsel, Shiftan does hereby voluntarily and knowingly surrender and forfeit the sum of two hundred fifty dollars ($250.00), such sum to be paid into the State School Moneys Fund pursuant to Sections 374.046 and 374.280, RSMo.

Shiftan shall submit this sum to the Department by cashier's check or money order made payable to the State School Moneys Fund no later than March 11, 2016.

The parties agree that, should the Director or the Division in the future allege any additional violation of the insurance laws, MVESC laws, or regulations by Shiftan, nothing in this Agreement shall preclude the Director or the Consumer Affairs Division from introducing Shiftan's admissions contained in this Agreement as evidence that the acts described herein form part of a course of conduct, a business practice, or other such series of similar violations, or for purposes of showing that such later alleged acts are committed knowingly, intentionally or in conscious disregard of the law.

DATED: 3.8.16

Mark Shiftan
License No. 8308272

DATED: 3/11/16

Carrie Couch, Director
Consumer Affairs Division

DATED: 3.16.16

John M. Huff, Director
Department of Insurance, Financial
Institutions and Professional Registration

Return original to:
Andrew Engler
Missouri Department of Insurance,
Financial Institutions and Professional Registration
PO Box 4001
Jefferson City, MO 65102