DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION

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

In RE:	)	
	)	**Case No. 110802612C**
JAMES R. P. MARSH,	)	
	)	
Respondent.	)	

CONSENT ORDER

John M. Huff, Director of the Department of Insurance, Financial Institutions and Professional Registration, takes up the above-referenced matter for consideration and disposition. The Consumer Affairs Division, through counsel, Tamara W. Kopp, and Respondent James R. P. Marsh 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 ("Department") whose duties, pursuant to Chapters 374 and 375 RSMo,[1] include supervision, regulation, and discipline of insurance producers and business entity producers.

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

[1] All statutory references are to the 2010 Supplement to the Revised Statutes of Missouri unless otherwise noted.

under the insurance laws of this state and has been authorized by the Director to initiate actions before the Director to enforce the insurance laws of this state.

3. On February 17, 2011, Respondent James R. P. Marsh ("Marsh") pleaded guilty to Driving While Intoxicated – Persistent Offender, a Class D Felony § 577.010, in Randolph County Circuit Court. The court sentenced Marsh to three years incarceration, suspended the execution of that sentence, and placed Marsh on five years probation. *State v. James R. Marsh*, Case No. 10RA-CR00288-01.

4. On July 1, 2011, Marsh submitted a Uniform Application for Individual Producer License/Registration ("Application").

5. Marsh acknowledges and understands that under §375.141.1(6) the Director may refuse Marsh's insurance producer license because Marsh was convicted of a felony, namely, Driving While Intoxicated – Persistent Offender.

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

7. This Consent Order is entered pursuant to § 374.046. As such, any interested person aggrieved by this Order may request a hearing before the Director or review of this Order in a circuit court under § 374.055. Although under the Department's interpretation of the relevant statutes, review of this Order by the Administrative Hearing Commission is not available, Marsh nevertheless may have the right, under § 621.045, to submit this Consent Order to the Administrative Hearing Commission for a determination that the facts agreed to in this Consent Order constitute grounds to refuse Marsh's license.

8. Except as provided in paragraph 7, above, Marsh stipulates and agrees to waive any 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 Order and forever releases and holds harmless the Department, the Director, his agents, and the Consumer Affairs Division from all liability and claims arising out of, pertaining to, or relating to this matter.

9. 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

10. The actions admitted by Marsh are grounds to refuse Marsh's Missouri insurance producer license pursuant to § 375.141.1(6).

11. The Director may impose orders in the public interest under § 374.046.

12. 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.

ORDER

IT IS ORDERED that the Department Insurance, Financial Institutions and Professional Registration will issue the insurance producer license of James R. P. Marsh, subject to the conditions set forth herein;

IT IS ORDERED that Thomas J. Kerber, License No. 0288312, shall supervise James R. P. Marsh and ensure James R. P. Marsh's compliance with this Consent Order and the laws set forth in Chapters 374 and 375 RSMo.

IT IS ORDERED that James R. P. Marsh shall report to the Department of Insurance, Financial Institutions and Professional Registration any violation of or failure to comply with the

laws set forth in Chapters 374 and 375 RSMo within five (5) business days of such violation or failure to comply.

IT IS ORDERED that James R. P. Marsh shall maintain full compliance with all court orders and other requirements of his probation relating to *State v. James R. Marsh*, Case No. 10RA-CR00288-01.

IT IS ORDERED that James R. P. Marsh shall report to the Department of Insurance, Financial Institutions and Professional Registration any arrest, citation, guilty plea, nolo contendere plea, finding of guilt, or conviction concerning a felony, misdemeanor, or crime of moral turpitude, within five (5) business days of such arrest, citation, plea, finding, or conviction.

IT IS ORDERED that for five (5) years subsequent to the date of this executed Consent Order, James R. P. Marsh will voluntarily surrender his license to the Department within 30 days of Marsh's entry of a guilty plea, nolo contendere plea, finding of guilt, or conviction for a felony or crime of moral turpitude.

IT IS ORDERED that if James R. P. Marsh violates or otherwise fails to comply with the terms and conditions of this Consent Order, the Director may pursue additional legal remedies, as necessary and without limitation, as authorized by Chapters 374 and 375 RSMo.

SO ORDERED, SIGNED AND OFFICIAL SEAL AFFIXED THIS 25th DAY OF August, 2011.

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 Respondent James R. P. Marsh has a right to a hearing, but that James R. P. Marsh waived the hearing and consented to the issuance of this Consent Order.

James R. P. Marsh

August 24, 2011
Date

James R. P. Marsh
Respondent
1511 A Park Avenue
Warrensburg, Missouri 64093
Telephone: (660) 864-3332

Counsel for Respondent (if any)
Printed Name: _____
Missouri Bar No. _____
Address: _____
Telephone: _____
Facsimile: _____

Date

Thomas J. Kerber

8/24/11
Date

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Tamara W Kopp

8-25-11
Date

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