STATE OF MISSOURI

DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION

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

In the Matter of:	)	
	)	
CALEB M. McQUERREY,	)	**Case No. 11-1101753C**
	)	
Applicant.	)	

CONSENT ORDER

John M. Huff, Director of the Department of Insurance, Financial Institutions and Professional Registration takes up the above matter for consideration and disposition. The Division of Consumer Affairs, through legal counsel Andy Heitmann, and Caleb M. McQuerrey, 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") 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 2011 Supplement to the Revised Statutes of Missouri unless otherwise noted.

2. The Division of Consumer Affairs ("Division") has the duty of investigating insurance producer license applications and is authorized by the Director to recommend license refusal for any cause enumerated under § 375.141.

3. On or about March 30, 2005, Maryville, Missouri police officers entered the apartment of Caleb M. McQuerrey ("McQuerrey") after being let in by McQuerrey. While inside McQuerrey's apartment, the police found marijuana and marijuana paraphernalia.

4. On or about November 14, 2005, McQuerrey pleaded guilty to one class B felony count of possession of a controlled substance with intent to sell, under § 195.211, RSMo Supp. 2005. *State of Missouri v. Caleb M. McQuerrey*, Circuit Court of Nodaway County, Missouri, Case No. CR0805-113F.

5. The Court sentenced McQuerrey to five years in prison, but suspended the execution of the sentence and placed McQuerrey on probation for five years.

6. As part of his probation, McQuerrey entered and successfully completed a drug treatment program and passed all urinalysis tests administered to him.

7. On or about November 13, 2010, McQuerrey was discharged from probation by the Missouri Department of Corrections.

8. On or about September 2, 2011, McQuerrey submitted a Uniform Application for Individual Insurance Producer License ("Application") to the Department.

9. In the section of the Application headed "Background Information," Question # 1 asks: "Have you ever been convicted of a crime, had a judgment withheld or deferred, or are you currently charged with committing a crime?" McQuerrey answered "Yes" to Background Question # 1.

10. McQuerrey acknowledges and understands that under § 375.141.1(6) the Director may refuse to issue his insurance producer license for his conviction of a felony or crime involving moral turpitude.

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

12. 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, McQuerrey 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 McQuerrey's license.

13. McQuerrey 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 Order, and forever releases and holds harmless the Department, the Director and his agents, and the Division of Consumer Affairs from all liability and claims arising out of, pertaining to, or relating to this matter.

14. McQuerrey acknowledges and understands that this Consent Order is an administrative action and will be reported by the Department to other states. McQuerrey 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. McQuerrey intends to sell Medicare supplement policies while employed by Kansas Life Insurance Agency, Inc. (License No. 8032616), located at 335 North Washington Street, Suite 125, Hutchinson, Kansas, 67501.

16. Mohammad Hossinei (License No. 8065665), designated responsible producer for Kansas Life Insurance Agency, Inc., agrees to supervise Caleb M. McQuerrey and ensure McQuerrey's compliance with Missouri's insurance laws and regulations and the terms of this Consent Order.

17. 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

18. The facts admitted by McQuerrey are grounds to refuse his Missouri insurance producer license application pursuant to § 375.141.1(6).

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

20. 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 will issue an insurance producer license to Caleb M. McQuerrey subject to the conditions set forth herein.

IT IS FURTHER ORDERED THAT Caleb M. McQuerrey shall respond to all Department inquiries and consumer complaints forwarded by the Department within five business days of receipt. If McQuerrey receives a complaint directly from a consumer, whether

written or oral, McQuerrey shall report the complaint in writing to the Department within five days of receipt. McQuerrey shall include in such report: 1) a copy of the complaint, if written, or a brief, accurate description of the complaint, if oral; 2) a detailed explanation of the circumstances surrounding the complaint; and 3) any measures taken or planned to address the conduct described in the complaint. McQuerrey shall also report such complaints to the designated responsible producer of Kansas Life Insurance Agency, Inc., within five business days of receipt. Such designated producer shall also respond to the Department or consumer regarding the complaints or inquiries within five business days of receiving the report from McQuerrey. The designated producer's response to the Department shall include: 1) an account of any discussion the complaint between McQuerrey and the designated producer; and 2) a description of any measures taken or planned to address the conduct described in the complaint.

IT IS FURTHER ORDERED THAT Caleb M. McQuerrey shall report to the Division any administrative action taken against McQuerrey in another jurisdiction or by another governmental agency in this state within five business days after he receives notification of the initiation of such administrative action.

IT IS FURTHER ORDERED THAT Caleb M. McQuerrey shall report to the Division any arrest, citation, guilty plea, nolo contendere plea, finding of guilt or conviction concerning a felony or crime of moral turpitude, including drug related charges, within five business days of such arrest, citation, plea or finding.

IT IS FURTHER ORDERED THAT Caleb M. McQuerrey shall report to the Division any violation of or failure to comply with the laws set forth in Chapters 374 and 375, RSMo within five business days of such violation or failure to comply.

IT IS FURTHER ORDERED THAT Caleb M. McQuerrey, at least 30 days prior to any such change, report to the Department of Insurance, Financial Institutions and Professional Registration his intent to change his agency affiliation from Kansas Life Insurance Agency, Inc, to any other business entity producer licensed to market insurance products in Missouri. McQuerrey shall not change his agency affiliation from Kansas Life Insurance Agency, Inc., to any other business entity producer licensed in Missouri without the Director's express written permission.

IT IS FURTHER ORDERED THAT Mohammad Hossinei, as the designated responsible producer supervising Caleb M. McQuerrey's compliance with the Missouri insurance laws and the terms of this Consent Order, agrees to notify the Department within five business days of any change to his status as the designated responsible producer of Kansas Life Insurance Agency, Inc.

IT IS FURTHER ORDERED THAT if Caleb M. McQuerrey maintains his insurance producer license beyond the initial term and complies with the terms of this Consent Order, McQuerrey may apply to renew his license and the Director and Department shall consider his renewal application in accordance with Chapters 374 and 375, RSMo without regard to McQuerrey's prior felony in *State of Missouri v. Caleb M. McQuerrey*, Circuit Court of Nodaway County, Missouri, Case No. CR0805-113F.

IT IS FURTHER ORDERED THAT 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 9TH **DAY OF** MAY, **2012.**

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 Caleb M. McQuerrey has the right to a hearing, but that Caleb M. McQuerrey has waived the hearing and consented to the issuance of this Consent Order.

4-27-12

Caleb M. McQuerrey
16918 Plattsburg
Kearney, Missouri 64060
Respondent

Date

4/30/12

Mohammad Hossinei
Designated Responsible Producer
Kansas Life Insurance Agency, Inc.
335 N. Washington St., Ste. 125
Hutchinson, KS 67501
Telephone: (620) 665-1490

Date

5/3/12

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Date