



2. The Consumer Affairs Division of the Department of Insurance, Financial Institutions, and Professional Registration (“Consumer Affairs Division”) has the duty of conducting investigations into the unfair or unlawful acts of insurance companies and producers under the insurance laws of this state and has been authorized by the Director to initiate this action before the Director to enforce the insurance laws of this state.

3. The terms set forth in this Consent Order are an appropriate disposition of this matter and entry of this Order is in the public interest because reoccurrence of the conduct prohibited herein may harm the public.

4. On December 17, 2009, Respondent submitted a Uniform Application for Individual Resident Insurance Producer License (“Application”) to the Department.

5. On or about June 22, 2010, the Consumer Affairs Division referred Investigations File No. 94120, concerning Respondent’s Application, to the Director.

6. The Consumer Affairs Division and Respondent agree to the following facts:

- a. On October 21, 2005, in *State of Missouri v. Michael A. Kavanagh*, in the Circuit Court of St. Charles County, Missouri, Case Number 0511-CR01444-01, Respondent pleaded guilty to class D Felony Driving While Intoxicated – Combined Alcohol/Drug Intoxication – Persistent Offender and received a suspended execution of sentence and placed on 5 years probation.
- b. On July 27, 2007, *State of Missouri v. Michael A. Kavanagh*, in the Circuit Court of St. Charles County, Missouri, Case Number 0711-CR00485, Respondent pleaded guilty to class A Misdemeanor Criminal Non-Support.

c. Respondent is currently on supervised probation through October 21, 2010 and as of the date of this Consent Order has satisfied the requirements of the court.

7. Section 375.141.1(6), RSMo (Supp. 2009), states that the Director may suspend, revoke, or refuse to issue or refuse to renew an insurance producer license for been convicted of a felony or crime involving moral turpitude.

8. Section 375.141.1(13), RSMo (Supp. 2009), states that the Director may suspend, revoke, or refuse to issue or refuse to renew an insurance producer license for failing to comply with an administrative or court order imposing a child support obligation.

9. On or about June 29, 2010, counsel for the Consumer Affairs Division sent documentation which described the specific conduct for which discipline was sought and citation to the law and rules allegedly violated, along with documents which were the basis thereof. Respondent was advised that Respondent had 60 days to review the documentation and consider the proposed settlement offer.

10. Respondent acknowledges that he understands that he has the right to consult an attorney at his own expense.

11. Respondent acknowledges that he has been advised that he may, either at the time the settlement agreement is signed by all parties, or within 15 days thereafter, submit the agreement to the Administrative Hearing Commission for determination that the facts agreed to by the parties to the settlement constitute grounds for disciplining Respondent's license.

12. Respondent stipulates and agrees to waive any rights that he may have to a hearing before the Administrative Hearing Commission, the Director, Department, or Consumer Affairs Division 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 Consumer Affairs Division from any and all liability and claims arising out of, pertaining to or relating to this matter.

13. 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.

#### **Conclusion of Law**

14. Respondent's conviction of the class D Felony Driving While Intoxicated – Combined Alcohol/Drug Intoxication – Persistent Offender in *State of Missouri v. Michael A. Kavanagh*, in the Circuit Court of St. Charles County, Missouri, Case Number 0511-CR01444-01, is cause to refuse Respondent an insurance producer license pursuant to § 375.141.1(6), RSMo (Supp. 2009).

15. Respondent's conviction of the class A Misdemeanor Criminal Non-Support in *State of Missouri v. Michael A. Kavanagh*, in the Circuit Court of St. Charles County, Missouri, Case Number 0711-CR00485, is cause to refuse Respondent an insurance producer license pursuant to § 375.141.1(13), RSMo (Supp. 2009).

16. The Consumer Affairs Division is authorized to settle this matter and the Director is authorized to issue this Consent Order in the public interest pursuant to §§ 374.046, 375.141, and 621.045, RSMo (Supp. 2009).

#### **Settlement Terms**

IT IS ORDERED THAT Respondent Michael A. Kavanagh be issued a Missouri insurance producer license.

IT IS FURTHER ORDERED THAT Respondent Michael A. Kavanagh remain employed as an insurance producer of Lincoln Heritage Life Insurance Company and if Respondent leaves employment with Lincoln Heritage Life Insurance Company for any reason Respondent will notify the Department within five business days.

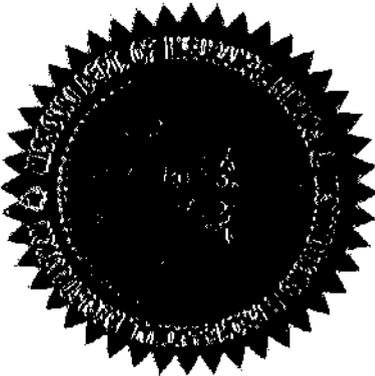
IT IS FURTHER ORDERED THAT Respondent Michael A. Kavanagh will notify the Department of any violation of his probation within five business days of said violation.

IT IS FURTHER ORDERED THAT, and Respondent Michael A. Kavanagh agrees, that Respondent hereby authorizes any agent or employee of the Board of Probation and Parole to discuss his case and his personal information with a representative of the Consumer Affairs Division of the Department.

IT IS FURTHER ORDERED THAT Respondent Michael A. Kavanagh shall notify the Department within five business days of any notification made by a Prosecuting Attorney to pursue charges for criminal non-support.

IT IS FURTHER ORDERED THAT, if Respondent Michael A. Kavanagh successfully completes his probation and provides the Department a certified copy of the order discharging him from probation, provides the Department certified notation that the criminal non-support charges have been dropped, and if Respondent has no complaint or investigation pending with any regulatory or law enforcement agency, then the Department will dissolve this Consent Order and remove each of its conditions from Respondent's insurance producer license.

SO ORDERED, SIGNED AND OFFICIAL SEAL AFFIXED THIS 9<sup>TH</sup> DAY OF JULY, 2010.



  
JOHN M. HUFF, Director  
Missouri Department of Insurance,  
Financial Institutions & Professional  
Registration

CONSENT AND WAIVER OF HEARING

The undersigned persons understand and acknowledge that Michael A. Kavanagh has the right to a hearing, but that Michael A. Kavanagh has waived the hearing and consented to the issuance of this Order.

Michael A. Kavanagh

Michael A. Kavanagh  
Respondent  
817 Tamerton Place  
St. Peters, Missouri 63376

7/1/10  
Date

\_\_\_\_\_  
Name: \_\_\_\_\_  
Counsel for Michael A. Kavanagh, if any  
Missouri Bar Number: \_\_\_\_\_  
Firm: \_\_\_\_\_  
Address: \_\_\_\_\_  
\_\_\_\_\_  
Telephone: \_\_\_\_\_  
Facsimile: \_\_\_\_\_

\_\_\_\_\_  
Date

Elfin Noce

Elfin Noce  
Counsel for the Consumer Affairs Division  
Missouri Bar # 57682  
Missouri Department of Insurance, Financial  
Institutions & Professional Registration  
301 West High Street, Room 530  
Jefferson City, Missouri 65101  
Telephone: (573) 751-2619  
Fax: (573) 526-5492

7/6/10  
Date