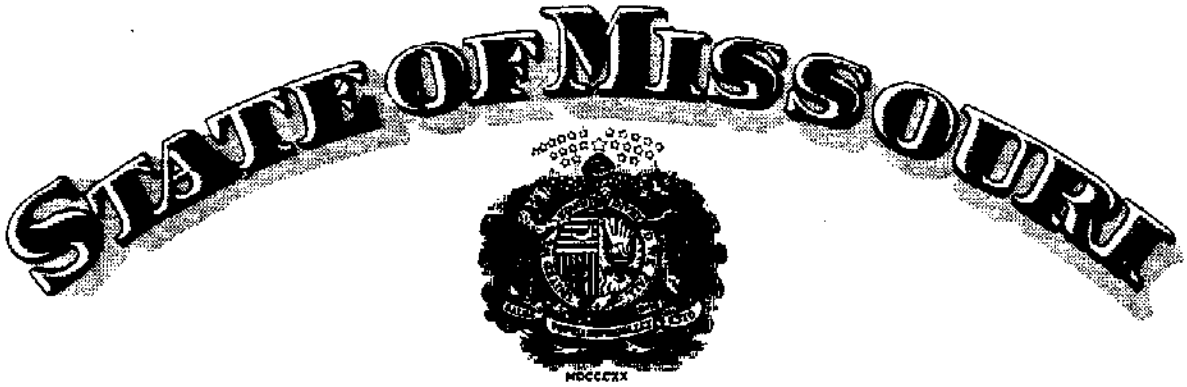


DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION

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

In the Matter of:	)	
	)	**AHC Case No. 10-2264 DI**
	)	**DIFP Case No. 100916603C**
MICHAEL T. SMITH.	)	

SUMMARY ORDER OF REVOCATION

JOHN M. HUFF, Director of the Missouri Department of Insurance, Financial Institutions, and Professional Registration, hereby issues the following Findings of Fact, Conclusions of Law, and Summary Order of Revocation.

Findings of Fact

1. John M. Huff is the duly appointed Director of the Missouri Department of Insurance, Financial Institutions, and Professional Registration (hereinafter, "Director"). The Director has the duty to administer Chapters 374 and 375, RSMo, which includes the supervision, regulation, and discipline of insurance companies, agencies, and producers licensed to operate and conduct business in the State of Missouri.

2. The Missouri Department of Insurance, Financial Institutions and Professional Registration ("Department") originally issued a nonresident insurance producer license to

Michael T. Smith ("Respondent") on July 11, 2007, License Number 0398853, which expired on July 31, 2009.

3. On December 02, 2010, the Director filed a Complaint before the Administrative Hearing Commission ("AHC"), Case No. 10-2264 DI, against Respondent alleging that he has cause to discipline his nonresident insurance producer license pursuant to §§375.141.1(2), (8), and (9) RSMo (Supp. 2009) for: violating the laws of another state by knowingly accepting insurance business from persons who were not licensed to sell insurance in Colorado; using fraudulent or dishonest practices or demonstrating incompetence untrustworthiness or financial irresponsibility in the conduct of business by knowingly accepting insurance business from persons who were not licensed to sell insurance; and for having his insurance producer license or its equivalent revoked in Colorado, Kansas, and Ohio.

4. The AHC attempted to serve Respondent with the Notice of Complaint/Notice of Hearing ("Notice") via Certified Mail (Receipt # 7160 3901 9845 9566 7088) on January 18, 2011, at 957 Adobe Flat Dr., Henderson, Nevada 89011, which was one of the last addresses Respondent provided to the Director. The United States Postal Service ("USPS") returned the certified mail containing the Notice to the AHC on January 31, 2011, marked "Attempted, Not Known."

5. The AHC attempted to serve Respondent with the Notice via Certified Mail (Receipt # 7160 3901 9845 9566 7101) on January 18, 2011, at 5464 Paya Ct., Las Vegas, Nevada 89120, which was the other of the last addresses Respondent provided to the Director. The USPS returned the certified mail containing the Notice to the AHC on February 14, 2011, marked "Unclaimed."

6. The AHC again attempted to serve Respondent with the Notice via Certified Mail

(Receipt # 7160 3901 9848 8482 5083) on March 08, 2011, at 5464 Paya Ct., Las Vegas, Nevada 89120. The USPS returned the certified mail containing the Notice to the AHC on March 17, 2011, marked "Attempted, Not Known".

7. The AHC also attempted to serve Respondent with the Notice via First Class Mail on March 08, 2011, at 5464 Paya Ct., Las Vegas, Nevada 89120. The USPS also returned the First Class Mail containing the Notice to the AHC on March 17, 2011, marked "Attempted, Not Known".

8. The AHC then provided the Director with a service packet so that he might attempt to serve Respondent with the Notice. After requesting the Consumer Affairs Division investigate another viable address, the Director sent the Notice via Certified Mail (Receipt # 7007 0710 0002 2055 2275) on March 31, 2011 to 2524 Garden W A, Colorado Springs, Colorado 80918. The USPS returned the certified mail containing the Notice to the Department on May 04, 2011, marked "Unclaimed Unable to Forward Return to Sender".

9. Section 375.141.5 provides:

> Every insurance producer licensed in this state shall notify the director of any change of address, on forms prescribed by the director, within thirty days of the change. If the failure to notify the director of the change of address results in an inability to serve the insurance producer with a complaint as provided by sections 621.045 to 621.198, RSMo, then the director may immediately revoke the license of the insurance producer until such time as service may be obtained.

Conclusions of Law

10. Pursuant to §375.141, the Director has the discretion to discipline Respondent's insurance license, including revocation of such license.

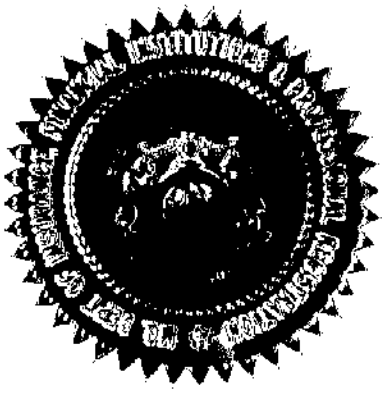
11. Pursuant to §375.141.5, such revocation may be immediate when an insurance producer's failure to notify the Director of any change of address within thirty (30) days of the

change results in an inability to serve the insurance producer with a complaint as provided by §§621.045 to 621.198 RSMo. Such revocation may be effective until such time as service may be obtained.

SUMMARY ORDER

IT IS HEREBY ORDERED that the nonresident insurance producer license of Michael T. Smith (License No. 0398853) is REVOKED until such time as service of the Complaint filed with the Administrative Hearing Commission on December 02, 2010, Case No. 10-2264 DI, may be obtained or until such time as service of a complaint in a future Administrative Hearing Commission action against Respondent Michael T. Smith may be obtained.

SO ORDERED, SIGNED AND OFFICIAL SEAL AFFIXED THIS 6th DAY OF MAY, 2011.



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