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MO. DEPT OF INSURANCE, FINANCIAL INSTITUTIONS & PROFESSIONAL REGISTRATION

STATE OF MISSOURI

DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION

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

In the Matter of:	)	
	)	
WILLIAM LEE MOIR,	)	Case No. 10-0909593C
	)	
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, Carolyn H. Kerr, and Respondent William Lee Moir, pro se, 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.

[1] All statutory references are to the 2011 Supplement to the Revised Statutes of Missouri unless otherwise noted.

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 under the insurance laws of this state and is authorized to initiate this action before the Director to enforce the insurance laws of this state.

3. The Department of Insurance, Financial Institutions and Professional Registration ("Department") issued Respondent William Lee Moir ("Moir") a resident insurance producer license (No. 0313922) on December 18, 2007. Moir's license expired on December 18, 2011.

4. Moir did not submit a renewal request and renewal fee until July 2010 for the 2009 licensure period.

5. The Department received a letter dated July 12, 2010, stating that Moir "would like to renew [his] Life Insurance Producer license PR313922 which has expired" along with a check from Moir, also dated July 12, 2010, (Check #6335), and payable to the "DIFP" in the amount of two hundred-seventy-five dollars ($275.00) to renew his producer license.

6. Moir wrote the check on a Royal Banks of Missouri account for Mid States Insurance Agency. The check comprised one hundred dollars ($100.00) to renew his license and one hundred-seventy-five dollars ($175.00) in late fees.

7. On or about July 15, 2010, the Department, relying on Moir's check, renewed Moir's insurance producer license with an expiration date of December 18, 2011.

8. After several attempts to deposit Moir's check, it was returned to the Department on or about July 29, 2010 for insufficient funds.

9. On or about July 30, 2010, Department staff sent a letter to Moir notifying him that the check was returned for insufficient funds. The letter indicated that he should send a replacement check in the amount of three hundred dollars ($300.00) to cover the returned check and an additional twenty-five dollar ($25.00) late fee.

10. Further, Department staff contacted Moir by phone on August 17, 2010, and August 30, 2010, to inquire about the returned check. On each occasion, Department staff left messages informing him of the insufficient check and Moir's responsibility to pay the fees.

11. Prior to this Consent Order, the Department had not received a replacement check, including all applicable penalties for Moir's 2009 license renewal.

12. Moir acknowledges and understands that under § 375.141.1(3) the Director may refuse to renew Moir's insurance producer license because Moir obtained an insurance license through material misrepresentation or fraud, in that Moir misrepresented that the check he supplied the Department was written on an account with sufficient funds, and his material misrepresentation caused the Department to renew his producer license based on his apparent payment of the renewal fee and applicable late fees.

13. Moir acknowledges and understands that under § 375.141.1(8) the Director may refuse to renew Moir's insurance producer license because the aforementioned actions demonstrate dishonest practices and/or incompetence or untrustworthiness in the conduct of business in this state in that Moir submitted an insufficient funds check to the Department as payment for the renewal of his producer license, and it was a dishonest practice and demonstrates untrustworthiness and financial irresponsibility for Moir to continue to enjoy the privilege of licensure as an insurance producer and continue to act as an insurance producer since July 2010 without paying the statutorily required fees and penalties under §375.018.3 and .4.

14. On May 20, 2011, the Director filed a Complaint with the Administrative Hearing Commission (AHC) against Moir alleging cause to discipline Moir's producer license. The Complaint was served on Moir on or about August 23, 2011.

15. On November 16, 2011, a hearing was held at the AHC. Moir did not appear. *Director of the Department of Insurance, Financial Institutions and Professional Registration, State of Missouri v. William Lee Moir*, Mo. Adm. Hrg. Comm'n, No. 11-0930 DI.

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

17. Moir acknowledges that he has been advised that he may, either at the time the settlement agreement is signed by the parties or within fifteen (15) days

thereafter, submit the agreement to the AHC for determination that the facts agreed to by the parties to the settlement constitute grounds for disciplining Moir's license.

18. Except as agreed to and provided in paragraph 17, Moir stipulates and agrees to waive any rights that he may have to a hearing before the AHC, the Director, or the Department and any rights to seek judicial review or other challenge or contest of the terms and conditions of this Consent Order and forever releases and holds harmless the Department, the Director and his agents, and the Consumer Affairs Division from all liability and claims arising out of, pertaining to, or relating to this matter.

19. 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.

20. The parties agree that neither party is the prevailing party, and each party will bear its own attorneys' fees and costs.

Conclusions of Law

21. The actions admitted by Moir are grounds to refuse or otherwise discipline Moir's Missouri insurance producer license pursuant to §§375.141.1(3) and (8).

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

23. 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.

Settlement Terms

IT IS ORDERED that the Department will renew the insurance producer license of William Lee Moir, subject to the conditions set forth herein;

IT IS FURTHER ORDERED that William Lee Moir, shall report to the Department of Insurance, Financial Institutions and Professional Registration any administrative action taken against Moir 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 William Lee Moir, shall complete four (4) hours of continuing education in the area of ethics and submit proof of such satisfactory completion to the Director within six (6) months of the date of this Order. These ethics hours are in addition to the sixteen (16) hours of continuing education already required to maintain his producer license;

IT IS FURTHER ORDERED that William Lee Moir, 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 business days of such violation or failure to comply;

IT IS FURTHER ORDERED that if William Lee Moir does not submit this Consent Order to the AHC within fifteen (15) days after its execution by parties, as outlined in paragraph 17, the Consumer Affairs Division will dismiss its

administrative action against William Lee Moir pending before the AHC in *Director of the Department of Insurance, Financial Institutions and Professional Registration, State of Missouri v. William Lee Moir*, Mo. Adm. Hrg. Comm'n, No. 11-0930 DI; and

IT IS FURTHER ORDERED that William Lee Moir, shall pay the total amount of eight hundred dollars ($825.00) as payment for the 2009 and 2011 license renewals and late fees, pursuant to and as authorized by § 375.018.3 and .4, payable to DIFP – Insurance. This payment shall be due immediately and payable only by money order or cashier's check.

IT IS FURTHER ORDERED that William Lee Moir shall also pay two hundred dollars ($200.00) as a forfeiture pursuant to and as authorized by §§374.046.15 and 374.280, payable to the Missouri State School Fund for the above-described violations as provided in §§ 374.049.11 and 374.280.2, and Article IX, Section 7 of the Constitution of Missouri. This payment shall be also due immediately and payable only by money order or cashier's check.

IT IS FURTHER ORDERED that the above-mentioned payments shall be forwarded with this executed Consent Order to the attention of Carolyn H. Kerr, Missouri Department of Insurance, Financial Institutions and Professional Registration, P.O. Box 690, Jefferson City, Missouri, 65102. All correspondence and/or money order or cashier's checks shall reference the case name and number appearing at the top of this Order.

IT IS FURTHER ORDERED that if William Lee Moir, violates or otherwise fails to comply with the insurance laws and the terms and conditions of this executed 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 JANUARY, 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 Respondent William Lee Moir, has a right to a hearing, but that Respondent waived the hearing and consented to the issuance of this Consent Order.

1-16-12

William Lee Moir
9546 Bataan Ave.
St. Louis, MO 63134
Telephone: (314) 580-8612

Date

Respondent

Counsel for Respondent
Name: _____
Missouri Bar No. _____
Address: _____
_____
Telephone: _____

Date

1/20/12

Carolyn H. Kerr
Counsel for Consumer Affairs Division
Missouri Bar No. 45718
Department of Insurance, Financial
Institutions and Professional Registration
301 West High Street, Room 530
Jefferson City, Missouri 65101
Telephone: (573) 751-2619
Facsimile: (573) 526-5492

Date