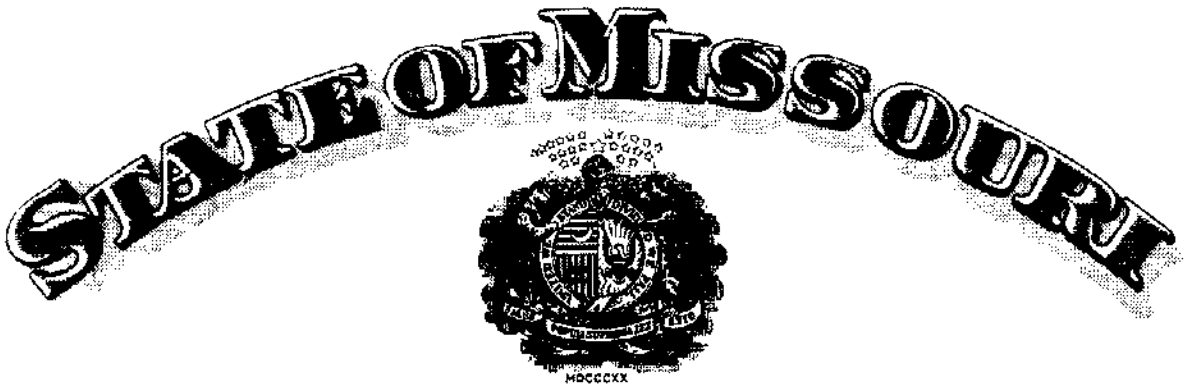


# DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION

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

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| **In the Matter of:** | ) | |
| | ) | **Case No. 10-0824571C** |
| **ROBERT W. OSMAN,** | ) | |
| | ) | |
| **Respondent.** | ) | |

## 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 Consumer Affairs Division, through legal counsel Tamara W. Kopp, and Robert W. Osman, 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 and business entity producers.

2. The Consumer Affairs Division ("Division") has the duty of conducting investigations into the acts of insurance producers under the insurance laws of this state and is

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

authorized by the Director to investigate and to recommend enforcement action for violations of the insurance laws of this state.

3. The Department of Insurance, Financial Institutions and Professional Registration ("Department") issued Robert W. Osman ("Respondent") an insurance producer license (No. 0369276) on April 18, 2006. Respondent did not hold an active license From April 2008 to January 2010. Respondent renewed his insurance producer license in January 2010. Respondent's license is currently active and set to expire on January 3, 2012.

4. On April 19, 2010, the Department received a termination letter from PJ Albert, Agent Quality Administrator for Assurant Health Insurance. In the termination letter, Albert explained that Respondent had been terminated for cause when the company discovered that Respondent has a felony conviction for fraudulent use of a credit/debit device.

5. The Division's investigation revealed the following:

a. On March 12, 2007, Respondent pleaded guilty to three counts of class D felony fraudulent use of a credit device, § 570.130, RSMo. Respondent admitted that, without authorization, he used a University of Missouri procurement credit card for the purpose of obtaining a JVC 52 inch television from Best Buy, a shower base from Lowe's, and a custom shower door from Binswanger Glass. See *State of Missouri vs. Robert W. Osman*, Case No. 05BA-CR06105F.

b. On May 14, 2007, Respondent was ordered to pay $8,860 restitution and sentenced to four years on each felony count to run concurrently. Respondent's sentence was suspended and he was placed on probation for five years.

c. On January 28, 2010, Respondent was discharged from probation.

6. Though required to do so, Respondent intentionally failed to disclose his felony convictions on his January 2010 renewal application.

7. Based on its investigation, the Division alleged that cause exists to discipline Respondent's license pursuant to:

a. Section 375.141.1(1), RSMo, for intentionally providing materially incorrect, misleading, incomplete or untrue information in the license application by failing to disclose his felony convictions for fraudulent use of a credit device;

b. Section 375.141.1(3), RSMo, for obtaining a license through material misrepresentation or fraud by failing to disclose his felony convictions for fraudulent use of a credit device – a statement relied upon by the Director when renewing Respondent's insurance producer license;

c. Section 375.141.1(6), RSMo, for having been convicted of a felony or crime involving moral turpitude; and

d. Section 375.141.1(8), RSMo, for using fraudulent, coercive, or dishonest practices, or demonstrating untrustworthiness or financial irresponsibility in the conduct of business in this state by fraudulently using a credit device without authorization.

8. Additionally, cause exists to discipline Respondent's insurance producer license pursuant to § 375.141.1(7), RSMo, for having admitted to fraud by pleading guilty to three felony counts of fraudulent use of a credit device in violation of § 570.130, RSMo.

9. On or about September 13, 2010, counsel for the Division sent a settlement offer to Respondent describing 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, including

copies of the statutes allegedly violated. Counsel for the Division advised Respondent that he had 60 days to review the relevant documents and consider the proposed settlement offer.

10. Respondent admits to the facts alleged by the Division and outlined in this Consent Order. Respondent agrees that these facts constitute grounds to discipline his insurance producer license pursuant to §§ 375.141.1(1), (3), (6), (7) and (8), RSMo.

11. Respondent has the right to consult counsel at his own expense.

12. Respondent has been advised that he may, either at the time the Consent Order is signed by all parties, or within 15 days thereafter, submit the Consent Order to the Administrative Hearing Commission for determination that the facts agreed to by the parties to the Consent Order constitute grounds for disciplining Respondent's Missouri insurance producer license.

13. Except as provided in paragraph 12, above, Respondent 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 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.

14. 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

15. The actions admitted by Respondent are grounds to discipline Respondent's Missouri insurance producer license pursuant to §§ 375.141.1(1), (3), (6) and (8), RSMo.

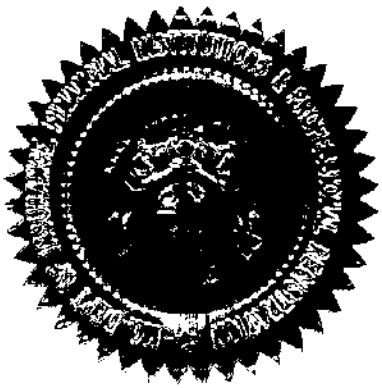
16. The Director is authorized to settle this matter and issue this Consent Order in the public interest pursuant to § 621.045, RSMo, and § 536.060, RSMo (2000).

17. 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** Robert W. Osman's Missouri insurance producer license (No. 0369276) is hereby **REVOKED**.

**SO ORDERED, SIGNED AND OFFICIAL SEAL AFFIXED THIS** 4th **DAY OF** October, **2010.**



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 Robert W. Osman has the right to a hearing, but that Robert W. Osman has waived the hearing and consented to the issuance of this Consent Order.

Robert W. Osman
2502 Gabrianna Court
Columbia, Missouri 65203
Respondent

9-27-10
Date

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

Date

Tamara W. Kopp
Counsel for Consumer Affairs Division
Missouri Bar No. 59020
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

9-29-10
Date