RECEIVED
JUN 15 2009
DEPT OF INSURANCE
FINANCIAL INSTITUTIONS &
PROFESSIONAL REGISTRATION

DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION

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

IN RE: POWER GROUP COMPANY, LLC
12721 Metcalf Avenue, Suite 103
Overland Park, Kansas 66213

Our File Number 09A000271

VOLUNTARY FORFEITURE AGREEMENT

It is hereby agreed by POWER GROUP COMPANY, LLC and the Consumer Affairs Division of the Department of Insurance, Financial Institutions and Professional Registration, as follows:

WHEREAS, John M. Huff, or his successor, is the duly appointed Director of the Department of Insurance, Financial Institutions and Professional Registration, State of Missouri (hereinafter, Director) whose duties, pursuant to Chapters 374 and 375, RSMo, include the supervision and regulation of the business of insurance;

WHEREAS, the Consumer Affairs Division of the Department of Insurance, Financial Institutions and Professional Registration is charged with investigating producers and companies engaged in the business of insurance pursuant to Section

374.085, RSMo 2000 and is authorized by the Director to recommend enforcement action under the laws relating to insurance.

WHEREAS, POWER GROUP COMPANY, LLC is currently licensed in Missouri as a business entity insurance producer by the Department of Insurance, Financial Institutions and Professional Registration, pursuant to Chapter 375, RSMo;

WHEREAS, the investigation by the Consumer Affairs Division revealed that:

1. POWER GROUP COMPANY, LLC maintained a business relationship with licensed insurance producer Thomas R. Tewell ("Tewell") whereby the POWER GROUP COMPANY, LLC was permitted to meet with the business clients of Tewell for purposes of soliciting sales of group insurance products.

2. POWER GROUP COMPANY, LLC maintained this business relationship with Tewell for several years, but at least since 2003.

3. POWER GROUP COMPANY, LLC maintained no written agreement with Tewell, but verbally agreed to compensate Tewell with 40 percent of the commissions paid from sales of group insurance products marketed to Tewell's clients.

4. POWER GROUP COMPANY, LLC further relied upon Tewell to "maintain and nurture the client relationship" after the group insurance products were marketed to Tewell's clients.

5. POWER GROUP COMPANY, LLC failed to notify the Missouri Department of Insurance, Financial Institutions and Professional Registration that Tewell was employed by or acting in behalf of POWER GROUP COMPANY, LLC.

6. POWER GROUP COMPANY, LLC identified Tewell as a "referral partner," but compensated Tewell in an amount exceeding $57,000 during the past twelve month period.

The activity by POWER GROUP COMPANY, LLC which is set out above, subjects the company to enforcement action by the Director for the following:

Violation of Section 375.015.4, RSMo (Cum. Supp.) 2008, by failing to identify Thomas R. Tewell among the list of licensed insurance producers employed by or acting in behalf of the business entity as an individual to whom the business entity pays any salary or commission for the solicitation, negotiation or procurement of any insurance contract; and

Violation of Section 375.015.5, RSMo (Cum. Supp.) 2008, by failing to notify the director within twenty working days that Thomas R. Tewell was employed by or acting in behalf of the business entity upon the occasions of the business entity license renewals in December of 2003, 2005 and 2007; each of which are grounds for discipline under Section 375.141.1(2), RSMo (Cum. Supp.) 2008.

WHEREAS, POWER GROUP COMPANY, LLC has been informed of the nature of the violations, of the right to counsel and of the right to contest any attempt by the Department of Insurance, Financial Institutions and Professional Registration, to discipline the insurance entity producer license, or to recover whatever penalties or other monetary relief as may be provided for by statute, and states that the company understands the rights to contest any such actions;

NOW, THEREFORE, in lieu of the institution by the Department of Insurance, Financial Institutions and Professional Registration of any action to revoke or suspend the insurance entity producer license of POWER GROUP COMPANY, LLC or to impose any other penalties provided for by statute for the above-described violations, after being afforded the opportunity to consult legal counsel, POWER GROUP COMPANY, LLC, without any admission of a violation of the law, does hereby voluntarily and knowingly surrender and forfeit the sum of two thousand dollars ($2,000.00), such sum to be paid into the Missouri State School Fund pursuant to Sections 374.046 and 374.280, RSMo.

POWER GROUP COMPANY, LLC shall submit this sum to the Department of Insurance, Financial Institutions and Professional Registration, by cashier's check or money order made **payable to the Missouri State School Fund** no later than Wednesday, June 17, 2009.

DATED: 6-19-09

JOHN M. HUFF
Director

DATED: 6/11/09

MARK J. AVERY for
POWER GROUP COMPANY, LLC

DATED: 6/19/2009

~~MARY KEMPKER~~ Angela L. Nelson
Division Director

Return to:
Department of Insurance, Financial Institutions
& Professional Registration
Attn: Ron Harrod
P. O. Box 4001
Jefferson City, MO 65102