DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION

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DEPT OF INSURANCE, FINANCIAL INSTITUTIONS & PROFESSIONAL REGISTRATION

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

IN RE: STUART MCCANN
935 E HIGHWAY 60
REPUBLIC, MO 65738

Our File Number 09A000530

VOLUNTARY FORFEITURE

It is hereby agreed by Stuart McCann and the Consumer Affairs Division of the Department of Insurance, Financial Institutions and Professional Registration, as follows:

WHEREAS, John M. Huff 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 Sections 374.085 and 374.190, RSMo 2000 and is authorized by the Director to recommend enforcement action under the laws relating to insurance;

WHEREAS, Stuart McCann is licensed as an insurance producer by the

Department of Insurance, Financial Institutions and Professional Registration, pursuant to Chapters 374 and 375, RSMo;

WHEREAS, information has been received by the Consumer Affairs Division that Stuart McCann demonstrated incompetence and untrustworthiness in violation of Section 375.141.1(8), RSMo (Cum. Supp. 2008) during an insurance transaction with Ms. Melinda Graf. Ms. Graf requested a change in her homeowner's deductible from $500 to $1,000. Mr. McCann changed Ms. Graf's deductible to $5,000. Ms. Graf did not discover this until her home was damaged by a tornado approximately one and one-half months later;

WHEREAS, Stuart McCann has been informed of the nature of the violation, of his right to counsel and of his right to contest any attempt by the Department of Insurance, Financial Institutions and Professional Registration, to discipline his producer's license, or to recover whatever penalties or other monetary relief as may be provided for by statute, and states that he understand his 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 producer license of Stuart McCann, or to impose any other penalties provided for by statute for the above-described violations, after being afforded the opportunity to consult legal counsel, Stuart McCann does hereby voluntarily and knowingly surrender and forfeit the sum of $1,000.00, such sum to be paid into the Missouri State School Fund pursuant to Sections 374.046 and 374.280, RSMo.

Stuart McCann 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 November 30, 2009.

DATED: 12-4-2009

Stuart McCann

DATED: 2/18/2010

Angela L. Nelson, Director
Department of Consumer Affairs

DATED: 3-1-10

John M. Huff, Director
Department of Insurance, Financial Institutions and Professional Registration

Please submit this agreement along with payment to:

Missouri Department of Insurance
Attention: Carrie Couch, Special Investigator
PO Box 4001
Jefferson City, MO 65102