

# STATE OF MISSOURI



## DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION

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APR 02 2014

DEPT OF INSURANCE,  
FINANCIAL INSTITUTIONS &  
PROFESSIONAL REGISTRATION

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

IN RE: TRACY MITCHELL  
1531 E. BRADFORD PARKWAY, STE 303-B  
SPRINGFIELD, MO 65804

TRACKING ID: 210021

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APR 03 2014

MO. DEPT OF INSURANCE,  
FINANCIAL INSTITUTIONS &  
PROFESSIONAL REGISTRATION

### VOLUNTARY FORFEITURE AGREEMENT

It is hereby agreed by Tracy Mitchell 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" of the "Department"), 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 is charged with investigating producers and companies engaged in the business of insurance pursuant to Sections 374.085 and 374.190, RSMo and is authorized by the Director to recommend enforcement action under the laws relating to insurance;

WHEREAS, Tracy Mitchell ("Mitchell") is licensed as a resident individual insurance producer with the Department, pursuant to Chapter 375, RSMo;

WHEREAS, the Consumer Affairs Division has received information concerning Mitchell's failure to disclose a Kansas administrative action;

WHEREAS, Mitchell has been informed of his right to counsel and of his right to contest any attempt by the Department to discipline his insurance producer license, and states that he understands his rights to contest any such actions;

WHEREAS, Mitchell does not contest the allegation that he failed to disclose an administrative action, which constitutes a violation of Section 375.141.6 RSMo (Supp. 2013), and the allegation does not relate to any insurance sales practice or cause harm to any client;

AND WHEREAS, Mitchell, acknowledges and admits for purposes of this Agreement and for purposes of any future action by the Director or the Consumer Affairs Division based on a future alleged violation of the insurance laws or regulations by Mitchell, in which action the Director or the Consumer Affairs Division alleges that the acts or omissions described herein form part of a course of conduct, or a business practice, or other such series of similar violations, or that future acts or omissions by Mitchell are committed knowingly, intentionally or in conscious disregard of the law, and that he failed to disclose an administrative action from another state.

NOW, THEREFORE, in lieu of any recommendation or initiation by the Consumer Affairs Division of any action based on the violation cited in this Agreement, and after being afforded the opportunity to consult legal counsel, Mitchell does hereby voluntarily and knowingly surrender and forfeit the sum of two hundred fifty dollars (\$250.00), such sum to be paid into the State School Moneys Fund pursuant to Sections 374.046 and 374.280, RSMo.

Mitchell shall submit this sum to the Department by cashier's check or money order made payable to the State School Moneys Fund no later than April 11, 2014.

The parties agree that, should the Director or the Division in the future allege an additional violation of the insurance laws or regulations by Mitchell, nothing in this Agreement shall preclude the Director or the Consumer Affairs Division from introducing Mitchell's admissions contained in this Agreement as evidence that the acts described herein form part of a course of conduct, a business practice, or other such series of similar violations, or for purposes

of showing that such later alleged acts are committed knowingly, intentionally or in conscious disregard of the law.

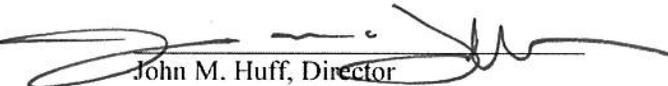
DATED: 3-24-14

  
Tracy Mitchell  
License No. 189879

DATED: 4.4.14.

  
Matt Barton, Director  
Consumer Affairs Division

DATED: 4-4-14

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

Return original to:

Dennis A. Fitzpatrick, AIE, AIRC, ALMI, AINS  
Missouri Department of Insurance,  
Financial Institutions and Professional Registration  
PO Box 4001  
Jefferson City, MO 65102