DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION

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

In RE:	)	
	)	
Debra Townsend,	)	Case No. 120215182C
	)	
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, Tamara W. Kopp, and Respondent Debra Townsend, through counsel, Mark G.R. Warren, 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" of the "Department") whose duties, pursuant to Chapters 374 and 375

RSMo,[1] include supervision, regulation and discipline of insurance producers and business entity producers.

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 actions before the Director to enforce the insurance laws of this state.

3. The Department issued Debra Townsend ("Townsend") a non-resident insurance producer license (No. 8058323) on October 8, 2010. Such license is currently active and set to expire October 8, 2012.

4. During approximately March 2011, Townsend obtained a client's bank account information in order to write the client an insurance policy. Without the first client's permission, Townsend used the bank account information to write insurance policies for two additional people and money was deducted from the first client's account. Townsend did this so that she would receive an advanced commission on the two additional policies. The insurance applications for the two additional people contained materially false information – namely false bank account information – and Townsend's submission of those applications to the insurance company constituted fraudulent insurance acts in violation of §375.991.

5. Townsend failed to maintain a complete set of records for transactions outlined in paragraph 4, as required by 20 CSR 700-1.140(5).

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

6. Townsend acknowledges and understands that the Director may refuse to renew or discipline Townsend's insurance producer license pursuant to §375.141.1(2) for violating an insurance regulation, namely, 20 CSR 700-1.140(5), by failing to maintain a complete set of records for each personal insurance policy applied for or procured through the licensee.

7. Townsend acknowledges and understands that the Director may refuse to renew or discipline Townsend's insurance producer license pursuant to §375.141.1(2) for violating an insurance law, namely §375.991, because the transactions outlined in paragraph 4 constituted fraudulent insurance acts.

8. Townsend acknowledges and understands that the Director may refuse to renew or discipline Townsend's insurance producer license pursuant to §375.141.1(4) for improperly withholding, misappropriating, or converting any moneys or properties received in the course of doing insurance business based on the transactions outlined in paragraph 4.

9. Townsend acknowledges and understands that the Director may refuse to renew or discipline Townsend's insurance producer license pursuant to §375.141.1(8) for using fraudulent, coercive, or dishonest practices, or demonstrating incompetence, untrustworthiness, or financial responsibility in the conduct of business in this state or elsewhere based on the transactions outlined in paragraph 4 and Townsend's failure to maintain a complete set of records for each personal insurance policy applied for or procured through the licensee.

10. Townsend admits to the facts alleged by the Consumer Affairs Division and outlined in this Consent Order.

11. Townsend agrees that these facts constitute grounds to refuse or discipline her non-resident insurance producer license.

12. On September 11, 2012, counsel for the Division provided a written description of the specific conduct for which discipline was sought and a citation to the law and rules allegedly violated, together with copies of any documents upon which it based the allegations, and the Division's settlement offer, namely, this Consent Order, in accordance with §621.045.4(1).

13. Townsend acknowledges and understands that she has the right to consult counsel at her own expense.

14. Townsend has been advised that she 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 a determination that the facts agreed to by the parties to the Consent Order constitute grounds for discipline of Townsend's insurance producer license.

15. Townsend stipulates and agrees to waive any rights that she 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.

16. 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

17. The admissions made by Townsend and outlined in this Consent Order are grounds to refuse to renew or discipline Townsend's Missouri insurance producer license pursuant to §§375.141.1(2), (4), and (8).

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

19. 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 Debra Townsend's non-resident insurance producer license (No. 8058323) is hereby **REVOKED**.

SO ORDERED, SIGNED AND OFFICIAL SEAL AFFIXED THIS 18th DAY OF DECEMBER, 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 Debra Townsend may have the right to a hearing, but that Debra Townsend waived the hearing and consented to the issuance of this Consent Order.

Debra Townsend

11/15/2012
Date

Debra Townsend
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Belleville, Illinois 62223
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12-13-12
Date

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Tamara W Kopp

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Date

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