DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION

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

Our File Number 08A000962

IN RE: DANIEL P. FEICHTNER
10 Kanyuck Court
Fenton, MO 63026

VOLUNTARY FORFEITURE AGREEMENT

It is hereby agreed by DANIEL P. FEICHTNER 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, DANIEL P. FEICHTNER is currently licensed in Missouri as a resident 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. DANIEL P. FEICHTNER recommended and sold a variable annuity contract to a fifty-year-old Missouri resident in 2006 which replaced a previously existing fixed annuity contract paying a guaranteed 4% annual rate of return. The resident had no previous investment experience with variable annuities.

2. DANIEL P. FEICHTNER also recommended that the Missouri resident replace a second fixed annuity contract paying a guaranteed 3.5% annual rate of return, and deposit the proceeds of that fixed contract into the variable annuity.

3. DANIEL P. FEICHTNER's recommendation reallocated the funds deposited into the variable annuity among five sub-accounts which exposed the entire deposit to possible market risk.

4. DANIEL P. FEICHTNER indicated on the replacement form completed at the point of sale that the existing contracts were being replaced because the consumer "wants a stable income & an inflation hedge," which were previously being provided by his existing fixed annuities.

5. DANIEL P. FEICHTNER's recommendation and sale of the variable annuity resulted in market losses of $8,550, equaling realized losses to the Missouri resident of $8,550 of his initial deposit.

The activity by DANIEL P. FEICHTNER which is set out above, could subject him to enforcement action by the Director for the following:

Violation of 20 CSR 700-1.146(1)(A), by failing to have reasonable grounds for believing that the recommendation was suitable for such customer upon the basis of the facts . . . as to his other investment holdings and as to his financial situation and needs; and

Violation of Section 375.141.1(8), RSMo Cum. Supp. 2008, by demonstrating incompetence . . . and financial irresponsibility in the conduct of business by

assuming that variable sub-accounts within the annuity would provide an inflation hedge; each of which are grounds for discipline under Section 375.141.1(2), RSMo Cum. Supp. 2008.

WHEREAS, DANIEL P. FEICHTNER has been informed of the nature of his violations, 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 insurance producer license, or to recover whatever penalties or other monetary relief as may be provided for by statute, and states that he understands his rights to contest any such actions;

NOW, THEREFORE, in complete settlement of the investigation in File Number 08A000962, in lieu of the institution by the Department of Insurance, Financial Institutions and Professional Registration of any action to revoke or suspend the insurance producer license of DANIEL P. FEICHTNER or to impose any other penalties provided for by statute for the above-described violations, after being afforded the opportunity to consult legal counsel, DANIEL P. FEICHTNER, without any admission of a violation of the law, and solely to avoid the possibility of further litigation, does hereby voluntarily and knowingly surrender and forfeit the sum of one thousand dollars ($1,000.00), such sum to be paid into the Missouri State School Fund pursuant to Sections 374.046 and 374.280, RSMo.

DANIEL P. FEICHTNER 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 Friday, April 10, 2009.

DATED: 4-20-09

JOHN M. HUFF
Director

DATED: 4/8/2009

DANIEL P. FEICHTNER
Producer

DATED: 4/17/09

MARY KEMPKER
Division Director

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