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DEPT. OF INSURANCE, FINANCIAL INSTITUTIONS & PROFESSIONAL REGISTRATION

STATE OF MISSOURI

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DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION

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

RECEIVED
OCT 16 2008
DEPT. OF INSURANCE, FINANCIAL INSTITUTIONS & PROFESSIONAL REGISTRATION

Our File Numbers 08A000470

IN RE: DAVID M TORBITZKY
1777 PRAISE BLVD
FENTON MO 63026

VOLUNTARY FORFEITURE

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

WHEREAS, Linda Bohrer, or her 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, DAVID M TORBITZKY is licensed as an 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 DAVID M TORBITZKY violated our insurance laws and is subject to enforcement action by the Director for the following:

> **Demonstrated incompetence and untrustworthiness in the conduct of business by soliciting and negotiating contracts of insurance to Missouri consumers on behalf of a business entity not licensed in the State of Missouri, which is grounds for discipline under Sections 375.141.1(8) and 375.145.1 RSMo (Cum. Supp. 2007).**

WHEREAS, DAVID M TORBITZKY 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 08A000479, 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 DAVID M TORBITZKY or to impose any other penalties provided for by statute for the above-described violations, after being afforded the opportunity to consult legal counsel, DAVID M TORBITZKY, without any admission of a violation of the law, does hereby voluntarily and knowingly surrender and forfeit the sum of $1000.00, such sum to be paid into the Missouri State School Fund pursuant to Sections 374.046 and 374.280, RSMo.

DAVID M TORBITZKY 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 October 22, 2008.

DATED: 10/21/08

LINDA BOHRER
Acting Director

DATED: 10/22/08

MARY KEMPKER
Division Director

DATED: 10/14/08

DAVID M TORBITZKY

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