



**DEPARTMENT OF INSURANCE, FINANCIAL
INSTITUTIONS AND PROFESSIONAL REGISTRATION**

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

In the Matter of:

Michael S. Clark,

Applicant.

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Case No. 12-0719474C

CONSENT ORDER

John M. Huff, Director of the Department of Insurance, Financial Institutions and Professional Registration takes up the above matter for consideration and disposition. The Consumer Affairs Division, through legal counsel Kevin V. Spear, and Applicant Michael S. Clark, 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 the supervision, regulation and discipline of insurance producers.

2. The Consumer Affairs Division ("Division") has the duty of conducting investigations into the acts of insurance producers under the insurance laws of this state and is

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

authorized by the Director to investigate and to recommend enforcement action for violations of the insurance laws of this state.

3. The Department licensed Michael S. Clark ("Clark") as a resident insurance producer on December 15, 1982 (License No. 0287178). Clark's license was set to expire on December 15, 2008.

4. On or about October 22, 2007, Shawn McBride ("McBride"), President of Affiliated Insurance Agencies, Inc. filed a written complaint with the Department alleging that Clark illegally collected broker/policy fees from clients without making proper disclosures.

5. On December 27, 2007, Clark voluntarily surrendered his license in lieu of the Department continuing its investigation with regards to the complaint filed by McBride. Department File No. 07A000732.

6. On or about April 19, 2012, the Department received an electronic resident insurance producer license application ("Application") from Clark.

7. Clark acknowledges and understands that under § 375.141.1(8), the Director may refuse to issue an insurance producer license to Clark because Clark used dishonest practices or demonstrated incompetence, untrustworthiness or financial irresponsibility in the conduct of business.

8. David J. Wenzel, License No. 0289260, agrees to supervise Clark and ensure his compliance with Missouri's insurance laws and regulations.

9. Clark acknowledges and understands that he has the right to consult counsel at his own expense.

10. This Consent Order is entered pursuant to § 374.046. As such, any interested person aggrieved by this Consent Order may request a hearing before the Director or review of

this Consent Order in a circuit court under § 374.055. Although under the Department's interpretation of the relevant statutes, review of this Consent Order by the Administrative Hearing Commission is not available, Clark nevertheless may have the right, under § 621.045, to submit this Consent Order to the Administrative Hearing Commission for a determination that the facts agreed to in this consent order constitute grounds to refuse Clark's license.

11. Clark stipulates and agrees to waive any waivable rights that he may have to a hearing before the Administrative Hearing Commission, 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.

12. 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

13. The Director has grounds to refuse Clark's insurance producer license application pursuant to § 375.141.1(8).

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

15. 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 the Department will issue an insurance producer license to Michael S. Clark, subject to the conditions set forth herein.

IT IS ORDERED that David J. Wenzel, License No. 0289260, shall supervise Michael S. Clark, ensure Michael S. Clark's compliance with this Consent Order and the laws set forth in Chapters 374 and 375, RSMo, maintain a system of procedures reasonably designed to detect any failure by Michael S. Clark to comply with the insurance laws and regulations of this state, and maintain an active license in good standing while supervising Michael S. Clark.

IT IS ORDERED that Michael S. Clark shall remain exclusively associated with Insurance Consultants, Inc., a business entity insurance producer, License No. 0006026.

IT IS ORDERED that Michael S. Clark shall report to the Department of Insurance, Financial Institutions and Professional Registration any violation of or failure to comply with the laws set forth in Chapters 374 and 375, RSMo within three business days of such violation or failure to comply.

IT IS ORDERED that Michael S. Clark shall report to the Department any administrative action taken against Clark in another jurisdiction or by another governmental agency in this state within five business days after he receives notification of the initiation of such administrative action.

IT IS ORDERED that Michael S. Clark shall respond to all inquiries and consumer complaints forwarded or otherwise communicated to him by the Department or a consumer within five business days of receipt. Clark shall report in writing all consumer complaints, both written and oral, to the Consumer Affairs Division, within five business days of receipt. Clark shall immediately report all consumer complaints, both written and oral, to David J. Wenzel, and

David J. Wenzel shall also respond to the Consumer Affairs Division or consumer within five business days of receipt. If a complaint was not communicated to Clark by the Department, Clark shall send the Department, within five business days of receipt, a copy of the complaint along with Clark's and David J. Wenzel's responses to the consumer.

IT IS ORDERED that if Michael S. Clark maintains his insurance producer license beyond the initial term and complies with the terms of this Consent Order, Clark may apply to renew his license and the Director shall consider the renewal application in accordance with Chapters 374 and 375 without regard to the underlying grounds contained in this Consent Order.

IT IS ORDERED that if Michael S. Clark violates or otherwise fails to comply with the terms and conditions of this Consent Order, the Director may pursue additional legal remedies, as necessary and without limitation, as authorized by Chapters 374 and 375 RSMo.


SO ORDERED, SIGNED AND OFFICIAL SEAL AFFIXED THIS 2ND DAY OF NOVEMBER, 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 Michael S. Clark may have the right to a hearing, but that Michael S. Clark has waived the hearing and consented to the issuance of this Consent Order.



Michael S. Clark
9 Briarhill Ct.
St. Peters, Missouri 63376
Respondent

10-29-12

Date

Counsel for Respondent

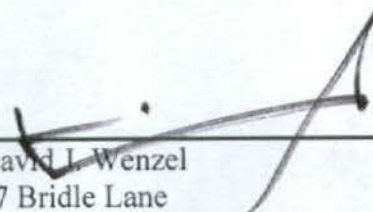
Name: _____

Missouri Bar No. _____

Address: _____

Telephone: _____

Date



David L. Wenzel
17 Bridle Lane
Frontenac, Missouri 63131
Supervising Producer
Insurance Consultants, Inc.

10-29-12

Date

Counsel for David J. Wenzel

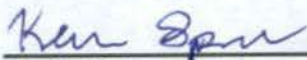
Date

Name: _____

Missouri Bar No. _____

Address: _____

Telephone: _____



Kevin V. Spear

11-1-12

Date

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