



DEPARTMENT OF COMMERCE AND INSURANCE

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

IN RE:)	
)	
SVETLANA MIROSHNICHENKO,)	Case No. 2303130415C
)	
Applicant.)	

CONSENT ORDER

CHLORA LINDLEY-MYERS, Director of the Missouri Department of Commerce and Insurance, takes up the above matter for consideration and disposition. The Consumer Affairs Division of the Department’s Insurance Divisions, through counsel, and Svetlana Miroshnichenko have reached a settlement in this matter and have agreed to the issuance of this Consent Order.

FINDINGS OF FACT

1. Chlora Lindley-Myers is the duly appointed Director of the Missouri Department of Commerce and Insurance (“Director” of the “Department”) whose duties, pursuant to, among others, Chapters 374 and 375, RSMo (2016)¹ include the supervision, regulation, and discipline of insurance producers.

2. The Consumer Affairs Division (“Division”) of the Department has the duty of

¹ All civil statutory references are to the 2016 Revised Statutes of Missouri unless otherwise noted.

conducting investigations into the conduct of insurance producers pursuant to the laws of Missouri and has been authorized by the Director to investigate and initiate actions to enforce the insurance laws of Missouri, including insurance producer license refusal.

3. On June 4, 2022, the Department received an electronic application (“Application”) from Svetlana Miroshnichenko (“Miroshnichenko”) seeking a resident insurance producer license.

4. Miroshnichenko listed her residential, business and mailing addresses on the Application as 1781 N. Farm Road 227, Strafford, Missouri 65757.

5. Background Question No. 1B on the Application asks, in relevant part:

Have you ever been convicted of a felony, had a judgment withheld or deferred, or are you currently charged with committing a felony?

6. Miroshnichenko answered “Yes” to Background Question No. 1B on the Application and provided additional information, including documents, outlining her criminal history.

7. The documents and information Miroshnichenko provided, and confirmed by the Division’s investigation, showed that on September 4, 2018, she was charged with the Class E Felony, Driving While Intoxicated, persistent offender, in violation of §§ 558.002, 558.011 and 577.010. *State of Missouri v. Svetlana Vasilievna Miroshnichenko*, Greene Cty. Cir. Ct., Case No.1831-CR05290-01.

8. The documents and information Miroshnichenko provided further showed that on November 14, 2019, pursuant to a plea agreement with the State of Missouri, she entered a plea of guilty to Driving While Intoxicated, persistent offender, in violation of §§ 558.002, 558.011 and

577.010², a Class E Felony. The circuit court found Miroshnichenko guilty and sentenced her to four years' confinement, suspended execution of the sentence and placed Miroshnichenko on supervised probation for a period of five years, including certain special conditions of probation. The Greene County Circuit Court also ordered her to pay certain fees and costs. *Id.*

9. On July 27, 2022, the Missouri Department of Corrections, Division of Probation and Parole, discharged Miroshnichenko from supervision. *Id.*

10. Miroshnichenko has not had any additional felony charges or convictions since her release from supervision.

11. Miroshnichenko understands and agrees that pursuant to § 375.141.1(6) the Director may refuse to issue Miroshnichenko a resident insurance producer license because she has been convicted of a felony.

12. Miroshnichenko and the Department desire to settle the allegations raised by the Division.

13. Miroshnichenko acknowledges and understands that she has the right to consult an attorney regarding these matters.

14. Miroshnichenko stipulates and agrees to waive any rights that she may have to a hearing before the Missouri Administrative Hearing Commission or the Director and any rights to seek judicial review or to otherwise challenge or contest the terms and conditions of this Consent Order and forever releases and holds harmless the Department, the Director, her agents, and the Division from all liability and claims arising out of, pertaining to, or relating to this matter.

15. Miroshnichenko acknowledges and understands that this Consent Order is an

² All citations to the criminal statutes of Missouri are to the version of the RSMo in effect at the time of the commission of the crime.

administrative action and will be reported by the Department to other jurisdictions. Miroshnichenko further acknowledges and understands that this administrative action should be disclosed on future license applications and any renewal application she submits in this state and in other jurisdictions, and that it is her responsibility to comply with the reporting requirements of each jurisdiction in which she may be licensed.

16. All signatories to this Consent Order certify by signing that they are fully authorized, in their own capacities, or by the named parties they represent, to accept the terms and provisions of this Consent Order in their entirety, and agree, in their personal or representative capacities, to be bound by the terms of this Consent Order.

CONCLUSIONS OF LAW

17. Section 375.141.1 provides, in relevant part:

The director may suspend, revoke, refuse to issue, or refuse to renew an insurance producer license for any one or more of the following causes:

(6) Having been convicted of a felony or crime involving moral turpitude[.]

18. The facts in the Findings of Fact set out above constitute cause to refuse to issue a resident insurance producer license pursuant to § 375.141.1(6).

19. The Director is authorized to settle this matter and issue this Consent Order in the public interest pursuant to §§ 374.046, 536.060, and 621.045.

20. The terms set forth in this Consent Order are an appropriate disposition of this matter, and issuance of this Consent Order is in the public interest.

ORDER

IT IS THEREFORE ORDERED that the Department will issue a resident individual insurance producer license to Miroshnichenko, subject to the conditions set forth herein:

21. For the term of the resident insurance producer license issued to her,

Miroshnichenko shall not sell, solicit or negotiate insurance in this state unless Miroshnichenko does so under the supervision of Waylon E. Artrip (“Artrip”), a non-resident insurance producer licensed in this state, license number 3000668828, and holding a resident insurance producer license in the state of Ohio. Miroshnichenko shall notify the Department within five (5) business days should Artrip cease to function in that capacity along with the name, business address, email address, business telephone number and insurance producer license status of the person who will be the replacement supervising insurance producer.

22. Miroshnichenko shall respond to all written inquiries and consumer complaints forwarded or otherwise communicated to her by the Department within five (5) business days of Miroshnichenko’s receipt.

23. If Miroshnichenko receives a written complaint that is not communicated to her by the Department, Miroshnichenko shall send a copy of the written complaint and Miroshnichenko’s response to said complaint to the Department within five (5) business days of Miroshnichenko’s receipt.

24. Miroshnichenko shall report to the Department any violation of or failure to comply with the laws set forth in Chapters 374 or 375 within five (5) business days that Miroshnichenko knows of such violation or failure to comply.

25. Miroshnichenko shall report to the Department any administrative action taken against Miroshnichenko in another jurisdiction or by another governmental agency in this state within five (5) business days after she receives notification of the initiation of such administrative action.

26. Miroshnichenko shall report to the Department any probation violation, probation revocation, arrest, citation, guilty plea, *nolo contendere* plea, finding of guilt or conviction

concerning a felony or misdemeanor within five (5) business days of such occurrence.

27. The special conditions listed in paragraphs 22 through 26 will expire upon the expiration, lapse, termination, revocation, or renewal of Miroshnichenko's insurance producer license, whichever comes first.

28. This Consent Order may be executed in multiple counterparts, each of which shall be deemed an original and all of which taken together shall constitute a single document. Execution by facsimile or by electronically transmitted signature shall be fully and legally effective and binding.

IT IS FURTHER ORDERED that for five (5) years subsequent to the date of this executed Consent Order, Miroshnichenko will voluntarily surrender her license to the Department within thirty (30) days of Miroshnichenko's entry of a guilty plea, *nolo contendere* plea, or finding of guilty or conviction for a felony, regardless of whether sentence is imposed, suspended, or executed.

IT IS FURTHER ORDERED that if Miroshnichenko maintains her resident insurance producer license beyond the term of this Consent Order and complies with the terms of this Consent Order, Miroshnichenko may apply to renew her license, and the Director shall consider the renewal application in accordance with the provisions of Chapters 374 and 375.

IT IS FINALLY ORDERED that the Director may pursue additional legal remedies, as determined appropriate by the Director, and without limitation, as authorized by Chapters 374 and 375, including remedies for violation of, or failure to comply with, the terms of this Consent Order.

SO ORDERED, SIGNED AND OFFICIAL SEAL AFFIXED THIS 07th DAY OF June, 2023.



Chlora Lindley Myers
CHLORA LINDLEY-MYERS, Director
Missouri Department of Commerce and
Insurance

CONSENT AND WAIVER OF HEARING

The undersigned persons understand and acknowledge that Svetlana Miroshnichenko has the right to a hearing, but that Svetlana Miroshnichenko has waived the hearing and agreed to the issuance of this Consent Order.

Svetlana Miroshnichenko 04/19/2023
Svetlana Miroshnichenko Date

1781 N. Farm Road 227
Strafford, Missouri 65757

~~_____
Counsel for Svetlana Miroshnichenko Date
Bar No.
[Address]
[Telephone and facsimile numbers]
[Email address]~~

Waylon E. Artrip Date
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Counsel for Waylon E. Artrip Date
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Shelley.Woods@insurance.mo.gov

June 1, 2023
Date

CONSENT AND WAIVER OF HEARING

The undersigned persons understand and acknowledge that Svetlana Miroshnichenko has the right to a hearing, but that Svetlana Miroshnichenko has waived the hearing and agreed to the issuance of this Consent Order.

Svetlana Miroshnichenko
1781 N. Farm Road 227
Strafford, Missouri 65757

Date

Counsel for Svetlana Miroshnichenko
Bar No.
[Address]
[Telephone and facsimile numbers]
[Email address]

Date

Waylon Artrip

5.31.23

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Date

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~~_____
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Date