

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

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

IN THE MATTER OF:

KIMBERLY C. TANNER,

Applicant

Serve at:

7715 NE 56th Street
Kansas City, MO 64119

Case No. 09A000272

CONSENT ORDER

GRANTING LICENSE UNDER SPECIAL CIRCUMSTANCES

John M. Huff is the duly appointed Director of the Missouri Department of Insurance, Financial Institutions, and Professional Registration. The Director has authority for the supervision, regulation, discipline and licensing of insurance producers.

The Consumer Affairs Division of the Department has the duty to ensure that applicants who are granted the privilege of a license demonstrate the knowledge, skills, honesty and integrity which Missouri's consumers expect from licensed insurance producers. The licensing process is controlled, in part, by a Missouri statute entitled

Suspension, revocation, refusal of license--grounds--procedure. Section 375.141 RSMo (Cum. Supp. 2008) The principal purpose of § 375.141 is not to punish licensees or applicants, but to protect the public. *Ballew v. Ainsworth*, 670 S.W.2d 94, 100 (Mo.App. E.D. 1984).

The Director may refuse to issue an insurance producer license based upon grounds which demonstrate a lack of competence or trustworthiness. 375.141.1(8) *supra*. Similarly, the Director may refuse to issue a license for “[h]aving been convicted of a felony or crime involving moral turpitude.” 375.141.1(6) (*supra*). The discretion to issue or refuse a license lies with the Director. Section 374.051.1 RSMo (Cum. Supp. 2008) In applying this discretion, the Director will consider the history of the Applicant and all of the circumstances surrounding the Application.

THE KIMBERLY C. TANNER APPLICATION

On April 10, 2009, Kimberly C. Tanner submitted a Uniform Application for Individual Insurance Producer License. Tanner informed the Department that on August 12, 2008, she entered into a plea agreement to the crime of Unlawful Use of Durg Paraphernalia, which resulted in a suspended imposition of sentence and two (2) years probation. Failure to satisfy the terms of that agreement could result in a permanent misdemeanor conviction for a crime which may involve moral turpitude. The record demonstrates that, to date, Tanner has satisfied the requirements of the court.

Based upon the information and evidence gathered during the investigation the Consumer Affairs Division has recommended the Director approve Tanner’s application and issue her a license under the terms and conditions herein.

This Consent Order is in the public interest because it constitutes an appropriate

disposition of the application for the Applicant and it ensures adequate protection of the public. The Consumer Affairs Division and Tanner hereby enter into and agree to abide by the mutually beneficial terms of this Consent Order.

The Director is authorized to issue this Consent Order pursuant to Section 374.046 RSMo (Cum Supp. 2008). The Director, or his successor, is authorized to enforce this Consent Order and may initiate any lawful action to do so.

IT IS THEREFORE ORDERED THAT: Kimberly C. Tanner's insurance producer's license is hereby approved, subject to the following mandatory conditions:

1. If Tanner violates her probation, Tanner shall notify the Consumer Affairs Division within five business days of the violation.
2. Tanner hereby authorizes any agent or employee of the Board of Probation and Parole to discuss her case and her personal information with a representative of the Consumer Affairs Division of the Department which issued this order.
3. If, after successful completion of her probation, the Board of Probation and Parole grants Tanner a full release, and Tanner provides the Department a certified copy of the order discharging her from probation, and if Tanner has no complaint or investigation pending with any regulatory or law enforcement agency, then the Department will dissolve this Consent Order and remove each of its conditions from Tanner's license.

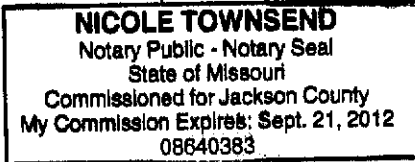
Tanner hereby acknowledges that if the Director were to refuse her license, she would have the right to file an appeal with the Administrative Hearing Commission. Tanner is aware of that right, and is similarly aware of the length of time such an appeal process would require. In consideration of her options, and her desire to begin work, albeit under the conditions of this Consent Order, Tanner has made clear her preference to enter into this Consent Order, as signified by her signature.

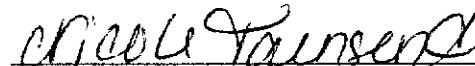
By signing this Consent Order each signatory certifies that he or she is fully authorized to do so and that each signatory has read, understood, and agreed to the terms, conditions, and requirements of the Consent Order in their entirety.



Kimberly C. Tanner

May 5, 2009
Date

Subscribed and sworn to before me this 5th day of May, 2009. I am commissioned as a notary public within the County of Jackson, State of Missouri, and my commission expires on Sept 21, 2012.




Notary Public


Mary Kempker, Director
Division of Consumer Affairs

May
Date

SO ORDERED, SIGNED AND OFFICIAL SEAL AFFIXED

THIS 6th DAY OF MAY, 2009.


JOHN M. HUFF, Director

Return to:
Division of Consumer Affairs
P.O. Box 690
Jefferson City, MO 65102