



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

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

IN THE MATTER OF:

NABOTH ST. CLAIR,

Applicant

Serve at:

4149 S. 77th Road
Bolivar, MO 65613

Case No. 09A000689

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 NABOTH ST. CLAIR APPLICATION

On September 9, 2009, Naboth St. Clair submitted a Uniform Application for Individual Insurance Producer License. St. Clair informed the Department that on November 13, 2006, he pleaded guilty to the crime of Receiving Stolen Property, which resulted in a suspended imposition of sentence and five (5) years probation. Failure to satisfy the terms of probation could result in a permanent felony conviction for a crime which may involve moral turpitude. The record demonstrates that, to date, St. Clair 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 St. Clair’s application

and issue him 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 St. Clair 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: Naboth St. Clair's insurance producer's license is hereby approved, subject to the following mandatory conditions:

1. If St. Clair violates his probation, St. Clair shall notify the Consumer Affairs Division within five (5) business days of the violation.
2. St. Clair hereby authorizes any agent or employee of the Board of Probation and Parole to discuss his case and his personal information with a representative of the Consumer Affairs Division of the Department which issued this order.
3. If, after successful completion of his probation, the Board of Probation and Parole grants St. Clair a full release, and St. Clair provides the Department a certified copy of the order discharging him from probation, and if St. Clair 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 St. Clair's license.

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

Naboth St. Clair
Naboth St. Clair

Sept 22, 2009
Date

Subscribed and sworn to before me this 24th day of Sept., 2009. I am commissioned as a notary public within the County of POLK, State of Missouri, and my commission expires on December 01, 2012

Karren S. Bruce
Notary Public

KARREN S. BRUCE
Notary Public - Notary Seal
STATE OF MISSOURI
Polk County - Comm#08469445
My Commission Expires Dec. 1, 2012

Angela L. Nelson
Angela L. Nelson, Director
Division of Consumer Affairs

9-29-2009
Date

SO ORDERED, SIGNED AND OFFICIAL SEAL AFFIXED

THIS 6th DAY OF October, 2009.

John M. Huff
JOHN M. HUFF, Director

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