

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

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

IN RE:)
)
BOBBY D. CLARK, JR.,) **Case No. 150625349C**
)
Respondent.)
)

CONSENT ORDER

Chlora Lindley-Myers, Director of the Missouri Department of Insurance, Financial Institutions and Professional Registration, takes up the above matter for consideration and disposition. The Consumer Affairs Division, through legal counsel, and Respondent Bobby D. Clark, Jr., (“Clark”) have reached a settlement in this matter and have agreed to the issuance of this Consent Order.

1. Chlora Lindley-Myers 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 (Supp. 2014),¹ include the supervision, regulation, and discipline of insurance producers.

¹ All civil statutory references are to the 2000 Missouri Revised Statutes, as updated by the 2013 Cumulative Supplement and 2014 Noncumulative Supplement, unless otherwise noted.

2. The Consumer Affairs Division (“Division”) of the Department has the duty of conducting investigations into the unlawful acts of insurance producers pursuant to the insurance laws of Missouri, and has been authorized by the Director to investigate and initiate actions before the Director to enforce the insurance laws of Missouri, including insurance producer license discipline.

3. The Director issued Clark a resident insurance producer license (License No. 8287909) on March 21, 2013. His license expired on March 21, 2015.

4. From March 22, 2013 to February 18, 2014, American Family Life Assurance Company (“Aflac”) appointed Clark to work as an insurance producer on its behalf.

5. Over the course of his appointment as an insurance producer at Aflac, Clark devised and carried out a scheme to defraud Aflac of commission advancements by misrepresenting the sale of insurance policies to employees of sham businesses.

6. As part of Clark’s scheme, in the period between May 3, 2013, and October 25, 2013, Clark submitted six (6) payroll account acknowledgments to Aflac, each misrepresenting the material fact that Clark had established a relationship with an actual business that would allow Clark to sell Aflac insurance to its employees when in fact these businesses did not exist. Clark used these sham business accounts in order to write bogus insurance policies and to collect advancements on commissions which he had not earned.

7. On March 19, 2012, the Circuit Court of Pemiscot County, Missouri, entered a judgment against Clark for unpaid state income tax for the 2007 and 2008 filing years. *Dep’t of Revenue v. Bobby D. Clark, Jr.*, Pemiscot Co. Cir. Ct., Case No. 12 PE-MC00101.

8. On December 24, 2013, the Pemiscot County Circuit Court entered a judgment against Clark for unpaid state income taxes for the 2009 filling year. *Dep't of Revenue v. Bobby D. Clark, Jr.*, Pemiscot Co. Cir. Ct., Case No. 13PE-MC00201.

9. The judgments against Clark in the *Dep't of Revenue v. Bobby D. Clark, Jr.*, Pemiscot Co. Cir. Ct., Case No. 12 PE-MC00101 and *Dep't of Revenue v. Bobby D. Clark, Jr.*, Pemiscot Co. Cir. Ct., Case No. 13PE-MC00201 remain unsatisfied.

10. On October 30, 2014, the Missouri State Board of Accountancy revoked Clark's certified public accountant certificate and license.

11. Clark failed to report the October 30, 2014 administrative action taken against him by the Missouri State Board of Accountancy to the Director within thirty days of the final disposition of the matter. Indeed, Clark never reported the Missouri State Board of Accountancy's action to the Director.

12. Clark acknowledges and understands that pursuant to § 375.141.1(2) the Director may revoke his resident insurance producer license because he violated an insurance law, namely § 375.144, when in connection with the offer, sale, solicitation or negotiation of insurance, he employed a deception, device, scheme, or artifice to defraud, made or used misrepresentation, concealment, or suppression of a material fact, engaged in a pattern or practice of making false statements of material fact, or engaged in an act, practice, or course of business which operated as a fraud or deceit upon any person.

13. Clark acknowledges and understands that pursuant to § 375.141.1(2) the Director may revoke his resident insurance producer license because he violated an insurance law, namely § 375.141.6, when he failed to report the administrative action taken against him by the Missouri

Board of Accountancy within thirty days of the final disposition of the matter, *State Board of Accountancy v. Bobby Clark Jr.*, No. 13-1540 AC.

14. Clark acknowledges and understands that pursuant to § 375.141.1(8) the Director may revoke his insurance producer license because he has used fraudulent or dishonest practices or demonstrated untrustworthiness in the conduct of his insurance business in this state.

15. Clark acknowledges and understands that pursuant to § 375.141.1(14) the Director may revoke his resident insurance producer license because he failed to comply with administrative or court orders directing payment of state income tax for the filing years of 2007, 2008, and 2009. *Dep't of Revenue v. Bobby D. Clark, Jr.*, Pemiscot Co. Cir. Ct., Case No. 12PE-MC00101; *Dep't of Revenue v. Bobby D. Clark, Jr.*, Pemiscot Co. Cir. Ct., Case No. 13PE-MC00201.

16. Clark stipulates and agrees to waive any rights that he may have to a hearing before the Administrative Hearing Commission or 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 release and hold harmless the Department, the Director, his agents, and the Division from all liability and claims arising out of, pertaining to, or relating to this matter.

17. Clark acknowledges and understands that he has the right to consult an attorney at his own expense.

18. Clark acknowledges and understands that this Consent Order is an administrative action and will be reported by the Department to other states. Clark further acknowledges and understands that this administrative action should be disclosed on future license applications and renewal applications in this state and other jurisdictions, and that it is his responsibility to comply with the reporting requirements of each state in which he may be licensed.

19. 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 representative capacity, to be bound by the terms of this Consent Order.

CONCLUSIONS OF LAW

20. Section 375.141 is an insurance law and provides, in relevant part:

1. 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:

* * *

(2) Violating any insurance laws, or violating any regulation, subpoena or order of the director or of another insurance commissioner in any other state;

* * *

(8) Using fraudulent, coercive, or dishonest practices, or demonstrating incompetence, untrustworthiness or financial irresponsibility in the conduct of business in this state or elsewhere; [or]

* * *

(14) Failing to comply with any administrative or court order directing payment of state or federal income tax.

* * *

4. The director may also revoke or suspend pursuant to subsection 1 of this section any license issued by the director where the licensee has failed to renew or has surrendered such license.

* * *

6. An insurance producer shall report to the director any administrative action taken against the producer in another jurisdiction or by another governmental agency in this state within thirty days of the final disposition of the matter. This report shall include a copy of the order, consent order or other relevant legal documents.

21. Section 375.144, an insurance law, provides:

It is unlawful for any person, in connection with the offer, sale, solicitation or negotiation of insurance, directly or indirectly, to:

- (1) Employ any deception, device, scheme, or artifice to defraud;
- (2) As to any material fact, make or use any misrepresentation, concealment, or suppression;
- (3) Engage in any pattern or practice of making any false statement of material fact; or
- (4) Engage in any act, practice, or course of business which operates as a fraud or deceit upon any person.

22. The allegations raised by the Division, and admitted to herein by Clark, are grounds to discipline Clark's resident insurance producer license pursuant to § 375.141.1(2), (8), and (14).

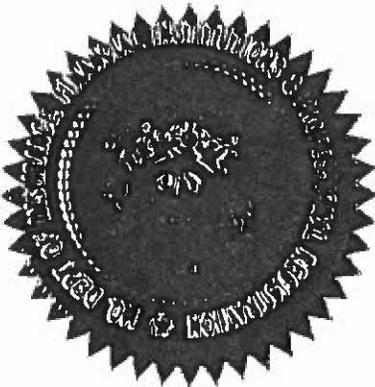
23. The Director is authorized to settle this matter and issue this Consent Order in the public interest pursuant to §§ 374.046, 621.045, and 536.060.

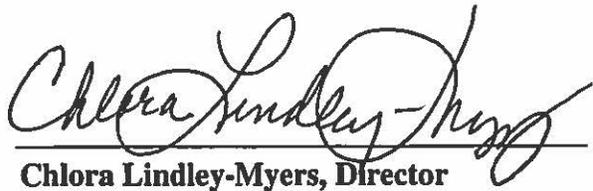
24. The terms set forth in this Consent Order are an appropriate disposition of this matter and entry of this Consent Order is in the public interest.

ORDER

IT IS ORDERED THAT Respondent Bobby D. Clark, Jr.'s insurance producer license (No. 8287909) is hereby **REVOKED**.

SO ORDERED, SIGNED, AND OFFICIAL SEAL AFFIXED THIS 19th DAY
OF April, 2017.




Chlora Lindley-Myers, Director

Missouri Department of Insurance,
Financial Institutions and Professional
Registration

CONSENT AND WAIVER OF HEARING

The undersigned persons understand and acknowledge that Respondent Bobby D. Clark, Jr., has a right to a hearing, but that Respondent waived the hearing and consented to the issuance of this Consent Order.

Bobby D. Clark, Jr.
Bobby D. Clark, Jr., Respondent
1308 Holgate Drive, Unit F2
Baldwin, Missouri 63857

4-2-17
Date

~~_____
Counsel for Respondent
Name: _____
Missouri Bar No.: _____
Address: _____

Phone: _____
Fax: _____~~

~~_____
Date~~

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4-11-2017
Date