



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

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

In the Matter of:

Charles W. Newton

)
)
)

Case No. 12-1128612C

CONSENT ORDER

John M. Huff, Director of the Department of Insurance, Financial Institutions and Professional Registration takes up for consideration and disposition Charles W. Newton's application for an insurance producer license and request for consent to engage in the business of insurance under the Insurance Fraud Prevention Act of 1994, 18 U.S.C. § 1033(e)(2). The Consumer Affairs Division, through legal counsel Kevin V. Spear, and Applicant Charles W. Newton, 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, include the supervision, regulation, and discipline of insurance producers. The Director has authority to grant or deny consent to

individuals prohibited from engaging in the business of insurance pursuant to the Insurance Fraud Prevention Act of 1994, 18 U.S.C. § 1033.

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

3. On or about August 9, 2012, the Department received a Uniform Application for Individual Producer License/Registration ("License Application") from Charles W. Newton ("Newton").

4. Newton submitted an Application to the Missouri Department of Insurance, Financial Institutions and Professional Registration for Written Consent to Engage in the Business of Insurance Pursuant to 18 U.S.C. §1033 ("Section 1033 Waiver Application") with his License Application.

5. On April 18, 1997, Newton pleaded guilty to Felony Bankruptcy Fraud in violation of 18 U.S.C. § 152, for knowingly and fraudulently concealing personal property from bankruptcy creditors. The court placed Newton on probation for a term of 3 years and ordered that he participate in a program of home detention for six months, perform 100 hours of community service, and not occur new credit charges or open additional lines of credit without the approval of the U.S. Probation Officer. Newton provided the certified records of this conviction with his Application. United States of America v. Charles Wilgus Newton, Case No. 6:96CR03033-001, Judgment in a Criminal Case filed April 18, 1997.

6. On April 17, 2000, Newton's sentence of probation expired.

7. Newton acknowledges and understands that pursuant to 18 U.S.C. § 1033 he is prohibited from engaging in the business of insurance without the Director's consent because he has been convicted of a criminal felony involving dishonesty or a breach of trust.

8. Newton acknowledges and understands that pursuant to § 375.141.1(6) the Director may refuse to issue an insurance producer license to Newton because Newton has been convicted of a felony and a crime involving moral turpitude.

9. Newton 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, Newton 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 Newton's license.

11. Newton stipulates and agrees to waive any waivable 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 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

1. The Director has grounds to refuse Newton's License Application pursuant to § 375.141.1(6).
2. Pursuant to 18 U.S.C. § 1033, the Director has discretion to grant or deny consent to Newton to engage in the business of insurance.
3. The Director may impose orders in the public interest under § 374.046.
4. 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 Director, having duly received and considered Charles W. Newton's Section 1033 Waiver Application, will grant such application, subject to the following conditions:

1. In the event that the Director determines that Charles W. Newton, or a representative of Charles W. Newton, has made a materially false or misleading statement, or has failed to disclose information material to the Director's determination herein, Newton's section 1033 waiver shall be void.
2. In the event that Charles W. Newton becomes employed or enters into a business association/relationship with an entity engaged in the business of insurance, Charles W. Newton shall provide the Department with complete details regarding the employment or business association/relationship, and shall describe in detail the nature, duties and activities including the office, position, occupation, trade, vocation, or profession.

3. In the event that Charles W. Newton becomes employed or enters into a business association/relationship with an entity engaged in the business of insurance, Charles W. Newton shall provide the Department with a sworn affidavit from the president, or other designated officer or director of the entity, stating: (1) the basis under which the affiant is authorized to execute and attest to the statements made in the affidavit; (2) that Charles W. Newton will in fact perform only those duties and activities described in his response to the previous paragraph; and (3) that Charles W. Newton will not be placed in a position in which his activities will constitute a risk or threat to insurance consumers or the insurer.

IT IS FURTHER ORDERED that the Department will issue an insurance producer license to Charles W. Newton, subject to the conditions set forth above and subject to the following conditions:

1. Charles W. Newton shall report to the Department of Insurance, Financial Institutions and Professional Registration any arrest, citation, guilty plea, nolo contendere plea, finding of guilt or conviction concerning any felony or misdemeanor within five business days of such arrest, citation, plea or finding.
2. For five years subsequent to the date of this executed Consent Order, Charles W. Newton will voluntarily surrender his license to the Department within five business days of Newton's entry of a guilty plea, nolo contendere plea, finding of guilt or conviction for a felony or crime of moral turpitude, regardless of whether sentence is imposed, suspended, or executed.

3. Charles W. Newton shall report to the Department any violation of or failure to comply with the laws set forth in Chapters 374 and 375, RSMo within five business days of such violation or failure to comply.
4. Charles W. Newton shall report to the Department any administrative action taken against Newton 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.
5. Charles W. Newton 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. Newton shall report in writing all consumer complaints, both written and oral, to the Division, within five business days of receipt. If a complaint was not communicated to Newton by the Department, Newton shall send the Department, within five business days of receipt, a copy of the complaint along with Newton's responses to the consumer.
6. If Charles W. Newton maintains his insurance producer license beyond the initial term and complies with the terms of this Consent Order, Newton 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 conviction contained in this Consent Order. The renewed license will remain subject to the terms of this Consent Order.

7. If Charles W. Newton 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.

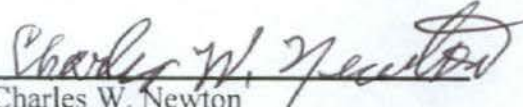
SO ORDERED, SIGNED, AND OFFICIAL SEAL AFFIXED THIS 15th DAY
OF MAY, 2013.




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 Charles W. Newton may have the right to a hearing, but that Charles W. Newton has waived the hearing and consented to the issuance of this Consent Order.

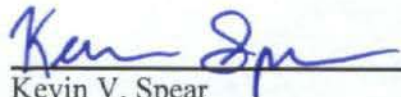

Charles W. Newton
22251 State Route KK
St. James, Missouri 65559

4/29/13
Date

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

Telephone: _____

Date


Kevin V. Spear
Counsel for Consumer Affairs Division
Missouri Bar No. 65199
Department of Insurance, Financial
Institutions and Professional Registration
301 West High Street, Room 530
Jefferson City, Missouri 65101
Telephone: (573) 751-2619
Facsimile: (573) 526-5492

5/1/13
Date