



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

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

**In the Matter of:**

**John Jay Wuthnow**

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**Case No. 13-0201119C**

**CONSENT ORDER**

John M. Huff, Director of the Department of Insurance, Financial Institutions and Professional Registration takes up the above matter for consideration and disposition. The Consumer Affairs Division, through legal counsel Carolyn H. Kerr, and John Jay Wuthnow, through counsel N. Russell Hazlewood, have reached a settlement in this matter and have consented to the issuance of this Consent Order.

**Findings of Fact**

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,<sup>1</sup> include the supervision, regulation and discipline of insurance producers and business entity producers.

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

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<sup>1</sup> All statutory references are to the 2012 Supplement to the Revised Statutes of Missouri unless otherwise noted.

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

3. The Department issued John Jay Wuthnow ("Wuthnow") a non-resident insurance producer license (No. 8064563) on January 6, 2011. Wuthnow's license expired on January 6, 2013.

4. The Kansas Insurance Department revoked Wuthnow's resident insurance agent's license on November 19, 2012. The order became final on December 7, 2012. *In the Matter of the Kansas Resident Insurance Agent's License of John Jay Wuthnow*, Docket # 4525-SO.

5. In its Summary Order<sup>2</sup> revoking Wuthnow's insurance agent license, the Kansas Insurance Department concluded that Wuthnow's insurance agent license could be revoked because Wuthnow violated K.S.A 2011 Supp. 40-2404.

6. Wuthnow did not report the administrative action taken against him by the Kansas Insurance Department to the Department within 30 days of the final disposition of the matter, as required by § 375.141.6, a Missouri insurance law. To date, Wuthnow has not reported the administrative action to the Department.

#### **Conclusions of Law**

7. Wuthnow acknowledges and understands that under § 375.141.1(2), (7), and (9), RSMo, the Director may revoke his insurance producer license for the following reasons:

- a. Wuthnow violated the insurance laws of Missouri, namely § 375.141.6, which is a ground for disciplining Wuthnow's insurance producer license pursuant to § 375.141.1(2);

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<sup>2</sup> *In the Matter of the Kansas Resident Insurance Agent's License of John Jay Wuthnow*, Docket # 4525-SO.

- b. The Kansas Insurance Department found that Wuthnow violated the insurance laws of Kansas, namely, K.S.A 2011 Supp 40-2404, and is therefore subject to discipline pursuant to § 375.141.1(2) and (7); and
  - c. Wuthnow's insurance producer's license or its equivalent was revoked in another state, which is a ground for disciplining Wuthnow's insurance producer license pursuant to § 375.141.1(9).
8. Section 375.141, RSMo provides, in 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;

\* \* \*

(7) Having admitted or been found to have committed any insurance unfair trade practice or fraud;

\* \* \*

(9) Having an insurance producer license, or its equivalent, denied, suspended or revoked in any other state, province, district or territory;

\* \* \*

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.

### **Settlement Terms**

9. Wuthnow acknowledges and understands that he has the right to consult counsel at his own expense.

10. Wuthnow admits to the facts alleged by the Consumer Affairs Division and outlined in this Consent Order.

11. Wuthnow agrees that these facts constitute grounds to discipline his non-resident producer license.

12. Wuthnow 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.

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

14. 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.

15. The Consumer Affairs Division is authorized to settle this matter, and the Director is authorized to issue this Consent Order in the public interest pursuant to §§ 374.046 and 621.045, RSMo, and § 536.060, RSMo (2000).

16. 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 John Jay Wuthnow's non-resident producer license (#8064563) is hereby REVOKED.

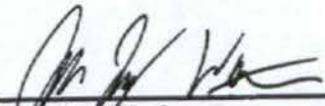
SO ORDERED, SIGNED AND OFFICIAL SEAL AFFIXED THIS 15<sup>th</sup> DAY OF MAY, 2013.



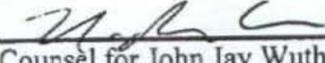
JOHN M. HUFF  
Director, Missouri Department of Insurance,  
Financial Institutions and Professional  
Registration

CONSENT AND WAIVER OF HEARING

The undersigned persons understand and acknowledge that John Jay Wuthnow has the right to a hearing, but that John Jay Wuthnow has waived the hearing and consented to the issuance of this Consent Order.

  
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John Jay Wuthnow  
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5-13-13  
Date

  
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5-17-13  
Date

  
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5/14/13  
Date