

FINAL ORDER
EFFECTIVE
01-13-17



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

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

In the Matter of:)
)
JON CURTIS RIMERT,) Case No. 160420248C
)
Respondent.)

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 counsel Shelly Krueger, and John Curtis Rimert 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,¹ include the supervision, regulation, and discipline of insurance producer licensees.

2. The Department’s Consumer Affairs Division (“Division”) has the duty of conducting investigations into the unlawful acts of insurance producers under Chapters 374

¹ All civil statutory references are to the 2013 Supplement to the Revised Statutes of Missouri (2000) unless otherwise noted.

and 375, and is authorized by the Director to investigate and recommend enforcement action, including the discipline of insurance producer licenses.

3. On or about April 21, 2015, the Department received Jon Curtis Rimert's ("Rimert") application for an individual resident insurance producer license ("Application").

4. In the section of the Application headed "Background Questions," Question No. 1B asks, in relevant part: "Have you ever been convicted of a felony, had a judgment withheld or deferred, or are you currently charged with committing a felony?"

5. Rimert answered "Yes" to Background Question No. 1B on the Application, attached a copy of the Complaint against him and a letter in which Rimert explained, verbatim:

I, Jon C. Rimert have been charged with DUI in the State of Missouri. Per St. Charles County I am charged with a class D felony. I have not been convicted at this time. I was issued the citation on 6/14/14. This event was not in a result of an accident. I was stopped in a standard traffic violation.

6. On April 28, 2015, Rimert pled guilty to DWI – Alcohol – Persistent Offender, a Class D Felony, in violation of § 577.010.² *State v. Jon Curtis Rimert*, St. Charles Co. Cir. Ct., Case No. 1511-CR00502-01. The court suspended execution of a three (3) year sentence of incarceration and placed Rimert on five (5) years' supervised probation. *Id.*

7. The underlying guilty pleas which form the basis for Rimert's Class D Felony charge for DWI – Alcohol – Persistent offender are as follows:

a. On May 25, 2010, Rimert pled guilty to DWI, a Class A Misdemeanor, in violation of § 577.010. *State v. Jon C. Rimert*, St. Charles Co. Cir. Ct.,

² All references to criminal statutes are pursuant to the Missouri Revised Statutes pursuant to which the court rendered judgment.

Case No. 0911-CR06125. The court sentenced Rimert to thirty (30) days' incarceration and granted work release. *Id.*

b. On June 17, 2009, Rimert pled guilty to DWI, in violation of O'Fallon, Missouri Municipal Code § 342.020.³ *City of O'Fallon v. Jon C. Rimert*, St. Charles Co. Cir. Ct., Summons No. 061972450. The court suspended imposition of sentence and placed Rimert on two (2) years' supervised probation. *Id.*

8. The Department issued Rimert a resident insurance producer license (No. 8247084) on April 30, 2015. Rimert's resident insurance producer license is set to expire on April 30, 2017.

9. Rimert reported his felony conviction in *State v. Jon Curtis Rimert*, St. Charles Co. Cir. Ct., Case No. 1511-CR00502-01 to the Department on or about December 29, 2015.

10. Rimert's current probation is scheduled to be completed on April 28, 2020, or at an earlier date if Rimert qualifies for early release.

11. Rimert acknowledges and understands that pursuant to § 375.141.1(6) the Director may discipline his resident insurance producer license because Rimert has been convicted of a felony or a crime involving moral turpitude. *State v. Jon Curtis Rimert*, St. Charles Co. Cir. Ct., Case No. 1511-CR00502-01.

12. Rimert further acknowledges and understands that should he fail to complete or fail to comply with the terms of his probation in case number 1511-CR00502-01, the Director may discipline or refuse to issue Rimert an insurance producer license pursuant to

³ All references to the O'Fallon Missouri Municipal Code are to those sections pursuant to which the court rendered judgment.

§ 375.141.1(6). *State v. Jon Curtis Rimert*, St. Charles Co. Cir. Ct., Case No. 1511-CR00502-01.

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

14. On December 5, 2016, counsel for the Division provided a written description of the specific conduct for which discipline was sought and a citation to the law and rules allegedly violated, together with copies of any documents upon which it based the allegations, and the Division's settlement offer, namely, this Consent Order, in accordance with § 621.045.4(1).

15. Rimert has been advised that he may, either at the time the Consent Order is signed by all parties, or within fifteen (15) days thereafter, submit the Consent Order to the Administrative Hearing Commission for a determination that the facts agreed to by the parties to the Consent Order constitute grounds for discipline of Rimert's insurance producer license.

16. Except as provided in Paragraph 15 above, Rimert 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.

17. Rimert acknowledges and understands that this Consent Order is an administrative action and will be reported by the Department to other states. Rimert further acknowledges and understands that this administrative action should be disclosed on future

applications and that it is his responsibility to comply with the reporting requirements of each state in which he may be licensed.

18. 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

19. Section 375.141, RSMo, an insurance law, 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:

* * *

(6) Having been convicted of any felony or a crime involving moral turpitude[.]

20. Rimert's felony conviction is a ground to discipline his Missouri insurance producer license pursuant to § 375.141.1(6).

21. The Director is authorized to settle this matter and issue this Consent Order in the public interest pursuant to §§ 374.046, 385.216, and 621.045.

22. 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 Jon Curtis Rimert shall maintain his insurance producer license subject to the following special conditions:

1. Jon Curtis Rimert shall respond to all inquiries and consumer complaints forwarded or otherwise communicated to him by the Department or a consumer within five (5) business days of receipt. If Rimert receives a complaint directly from a consumer, whether written or oral, Rimert shall report the complaint in writing to the Consumer Affairs Division within five (5) business days of receipt. Rimert shall include in such report: 1) a copy of the complaint, if written, or a brief, accurate description of the complaint, if oral; 2) a detailed explanation of the circumstances surrounding the complaint; and 3) any measures taken or planned to address the conduct described in the complaint.
2. Jon Curtis Rimert shall maintain full compliance with all court orders and other requirements related to his felony conviction in *State v. Jon Curtis Rimert*, St. Charles Co. Cir. Ct., Case No. 1511-CR00502-01.

3. Jon Curtis Rimert shall sign and submit a Statement of Compliance, attached hereto as Exhibit A, to the Director within thirty (30) days of his completion of probation. Should Rimert fail to complete probation, Rimert shall notify the Consumer Affairs Division within five (5) business days of the dismissal from, or revocation of, probation and notify the Consumer Affairs Division of the consequences of such failure, dismissal, or revocation.

4. Jon Curtis Rimert shall execute and submit any necessary documents to provide the Department access to Rimert's probation and court records, including access to any chemical test results.
5. Jon Curtis Rimert shall report to the Consumer Affairs Division any and all of the following incidents involving Rimert: extension of probation, any change in the terms of probation, probation revocation, first appearance in court for any criminal charge, guilty plea, nolo contendere plea, finding of guilt, or conviction concerning a felony or misdemeanor. Rimert shall report all such incidents to the Consumer Affairs Division within five (5) business days of their occurrence.
6. Jon Curtis Rimert shall report to the Consumer Affairs Division any administrative action taken against Rimert in another jurisdiction or by another governmental agency in this state within five (5) business days after he receives notification of the initiation of such administrative action.
7. Jon Curtis Rimert shall report to the Consumer Affairs Division any violation of or failure to comply with the laws set forth in Chapters 374 and 375 RSMo within five (5) business days of such violation or failure to comply.
8. The special conditions listed in paragraphs 1 through 7 immediately above will expire upon the earlier of: 1) the expiration of Jon Curtis Rimert's insurance producer license; 2) the refusal or revocation of such license; or 3) five (5) years subsequent to the date of issuance of this Consent Order.

IT IS ORDERED that for five (5) years subsequent to the date of issuance of this executed Consent Order, Jon Curtis Rimert will voluntarily surrender his license to the

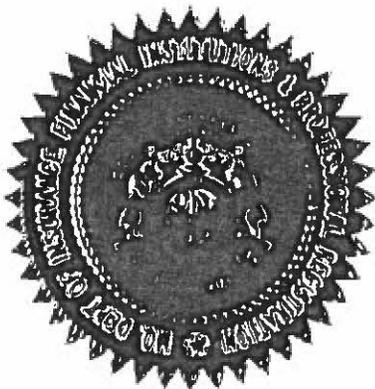
Department within thirty (30) days of revocation of the probation associated with *State v. Jon Curtis Rimert*, St. Charles Co. Cir. Ct., Case No. 1511-CR00502-01.

IT IS ORDERED that for five (5) years subsequent to the date of issuance of this Consent Order, Jon Curtis Rimert will voluntarily surrender his license to the Department within five (5) business days of Rimert's guilty plea, nolo contendere plea, finding of guilt or conviction for a felony, regardless of whether sentence is imposed, suspended, or executed.

IT IS ORDERED that if Jon Curtis Rimert applies to renew his insurance producer license beyond the current term, the Director shall determine Rimert's compliance with the terms of this Consent Order and consider Rimert's application in accordance with Chapters 374 and 375 RSMo, but without regard to Rimert's conduct related to his felony conviction, or the conviction itself, in *State v. Jon Curtis Rimert*, St. Charles Co. Cir. Ct., Case No. 1511-CR00502-01.

IT IS ORDERED that the Director may pursue additional legal remedies, as determined appropriate by the Director, and without limitation, as authorized by Chapters 374 and 375, including remedies for violation of, or failure to comply with, the terms of this Consent Order.

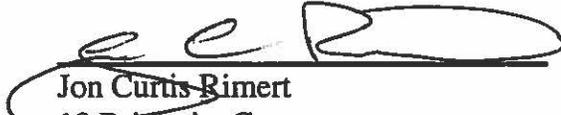
SO ORDERED, SIGNED AND OFFICIAL SEAL AFFIXED THIS 28th DAY OF DECEMBER, 2016.




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 Jon Curtis Rimert has a right to a hearing, but that Jon Curtis Rimert has waived the hearing and consented to the issuance of this Consent Order.

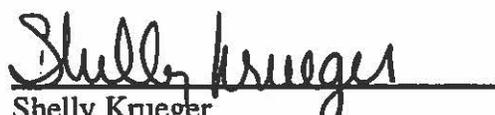

Jon Curtis Rimert
19 Briarmist Court
O'Fallon, Missouri 63366

12-11-2016
Date

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

Telephone: _____

Date


Shelly Krueger
Counsel for Consumer Affairs Division
Missouri Bar No. 67752
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

12-21-2016
Date

Missouri Department of Insurance, Financial
Institutions and Professional Registration
Attn: Legal Section
301 West High Street, Room 530
Jefferson City, Missouri 65101

RE: Statement of Compliance
State v. Jon Curtis Rimert, St. Charles Co. Cir. Ct., Case No. 1511-CR00502-01

I, Jon Curtis Rimert, hereby truthfully state under penalty of perjury that I successfully completed the probation associated with *State v. Jon Curtis Rimert*, St. Charles Co. Cir. Ct., Case No. 1511-CR00502-01 on _____, 20____.

Signed: _____
Jon Curtis Rimert

Date

In witness whereof I have underto subscribed my name and affixed my official seal this _____ day of _____, 20____.

Notary

My commission expires: _____