

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

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

IN RE:)
)
JOSHUA DENNIS RAUSER,) Case No. 160712342C
)
Applicant.)

CONSENT ORDER

JOHN M. HUFF, 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 counsel Mark J. Rachel, and Joshua Dennis Rauser have reached a settlement in this matter and have agreed 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, RSMo¹ include the licensure, supervision, and discipline of insurance producers.

2. The Consumer Affairs Division of the Department (the “Division”) has the duty of conducting investigations into the qualifications of insurance producer license applicants and has been authorized by the Director to initiate actions before the Director to enforce the

¹ All civil statutory references are to the 2000 Missouri Revised Statutes, as updated by the 2013 RSMo Supplement.

insurance laws of Missouri, including insurance producer license application refusal.

3. On or before October 15, 2015, Applicant Joshua Dennis Rauser (“Rauser”) pled guilty to, and was convicted of, Operating While Intoxicated/Impaired, 3rd Offense, a Felony, in violation of MICH. COMP. LAWS § 257.625(1);² the court sentenced him to 123 days’ incarceration and five years’ probation. *Michigan v. Joshua Dennis Rauser*, Kent Co. Cir. Ct., Case No. 15-03942-FH.

4. On May 26, 2016, the Department received Rauser’s Uniform Application for Individual Producer License/Registration (“Application”).

5. Rauser disclosed his conviction on the Application, as required.

6. Rauser understands and agrees that pursuant to § 375.141.1(6) the Director may refuse to issue Rauser a non-resident insurance producer license because he has been convicted of a felony.

7. Rauser 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 Division, the Director, and his agents from all liability and claims arising out of, pertaining to, or relating to this matter.

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

² All criminal statutory references are to those contained in the version of the Michigan Compiled Laws pursuant to which the court rendered judgment.

licensed.

9. All signatories to this Consent Order certify by signing that they are fully authorized, in their own capacities, or by the named parties they represent, to accept the terms and provisions of this Consent Order in their entirety and agree, in their personal or representative capacities, to be bound by the terms of this Consent Order.

CONCLUSIONS OF LAW

10. Section 375.141.1 provides, in relevant part:

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 a felony[.]

11. The foregoing facts hereby admitted by Rauser constitute cause for the Director to refuse Rauser's Application pursuant to § 375.141.1(6).

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

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

ORDER

IT IS ORDERED that the Department will issue a non-resident insurance producer license to Joshua Dennis Rauser, subject to the conditions set forth herein and the following special conditions:

1. Joshua Dennis Rauser shall report to the Consumer Affairs Division any violation of or failure to comply with Missouri insurance laws and regulations, including those set forth in Chapters 374 and 375, within five (5) business days of such violation or failure to comply.

2. Joshua Dennis Rauser shall respond to all inquiries from the Consumer Affairs Division in accordance with 20 CSR 100-4.100.

3. If a consumer complaint is communicated directly to Joshua Dennis Rauser, he shall send the Consumer Affairs Division a copy of the complaint and a copy of his response to the consumer within five (5) business days of receipt of the consumer complaint.

4. Joshua Dennis Rauser shall report to the Consumer Affairs Division any administrative action initiated against him by any other state or federal governmental agency in Missouri or any other jurisdiction within five (5) business days after Rauser receives notification of the initiation of such administrative action.

5. Joshua Dennis Rauser shall report to the Consumer Affairs Division any of the following incidents involving him: the first court hearing or appearance in any criminal proceeding, guilty plea, *Alford* plea, nolo contendere plea, finding of guilt, or conviction for a felony or misdemeanor. Joshua Dennis Rauser shall report all such incidents to the Consumer Affairs Division within five (5) business days of their occurrence.

6. Joshua Dennis Rauser shall voluntarily surrender his non-resident insurance producer license to the Department within five (5) business days of any of the following incidents involving him: guilty plea, *Alford* plea, nolo contendere plea, finding of guilt, or conviction for a felony or misdemeanor, regardless of whether any associated sentence is suspended or executed.

7. The special conditions listed in the preceding six (6) paragraphs will expire upon the expiration, lapse, termination, revocation, or renewal of Joshua Dennis Rauser's non-resident insurance producer license, whichever occurs first.

IT IS FURTHER ORDERED that Joshua Dennis Rauser shall submit a completed and

executed Statement of Compliance, attached hereto as Exhibit 1, within thirty (30) days of his completion of or discharge from all probation associated with *Michigan v. Joshua Dennis Rauser*, Kent Co. Cir. Ct., Case No. 15-03942-FH.

IT IS FURTHER ORDERED that if Joshua Dennis Rauser fully complies with the terms and conditions of this Consent Order, he may apply to renew his non-resident insurance producer license and the Director shall consider any renewal application in accordance with Chapters 374 and 375, but without regard to the prosecution known as *Michigan v. Joshua Dennis Rauser*, Kent Co. Cir. Ct., Case No. 15-03942-FH.

IT IS FINALLY 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 violating or failing to comply with the terms and conditions of this Consent Order.

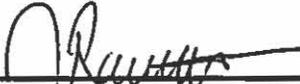
SO ORDERED, SIGNED, AND OFFICIAL SEAL AFFIXED THIS 4TH DAY OF JANUARY, 2016 2017




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 Joshua Dennis Rauser has the right to a hearing, but that Joshua Dennis Rauser has waived the hearing and agreed to the issuance of this Consent Order.



Joshua Dennis Rauser, Applicant
2900 Salem Avenue
St. Louis Park, Minnesota 55416-1920
(616) 893-0515

12.19.16

Date

Date

Counsel for Applicant

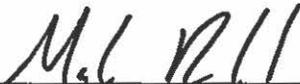
Missouri Bar #: _____

Address: _____

Telephone: _____

Facsimile: _____

E-mail: _____



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Mark.Rachel@insurance.mo.gov

3 January 2017

Date

EXHIBIT 1
STATEMENT OF COMPLIANCE

To: 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
Michigan v. Joshua Dennis Rauser, Kent Co. Cir. Ct., Case No. 15-03942-FH
DIFP Case No. 160712342C

I, Joshua Dennis Rauser, hereby truthfully state under penalty of perjury that I completed all probation and court-ordered sentencing associated with *Michigan v. Joshua Dennis Rauser*, Kent Co. Cir. Ct., Case No. 15-03942-FH, on the ___ day of _____, 20__.

Signed: _____
Joshua Dennis Rauser

Date

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal
this ___ day of _____, 20__.

Notary

My commission expires: _____