



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

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

In the Matter of:)
)
SAMUEL A. MARTI,) **Case No. 180207245C**
)
Applicant.)

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 counsel Cheryl C. Nield, and Samuel A. Marti have reached a settlement in this matter and consent 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,¹ include the supervision, regulation, and discipline of insurance producers.

¹ All civil statutory references are to the Revised Statutes of Missouri (2016) unless otherwise noted.

2. The Consumer Affairs Division of the Department has the duty, charged by the insurance laws of this state, to conduct investigations into the acts of insurance producers and is authorized by the Director to initiate actions necessary to enforce the insurance laws of this state including the discipline of insurance producer licenses and refusal of insurance producer license applications.

3. On or about March 22, 2017, the Department received Samuel A. Marti's ("Marti") completed electronic Application for Insurance Producer License ("Application").

4. On and with the Application, Marti disclosed felony convictions and provided court records that revealed the following:

- a. On June 26, 2014, Marti pled guilty to and was convicted of two counts of Driving While Intoxicated – Alcohol – Persistent Offender, a Class D Felony, in violation of § 577.010 RSMo.² *State v. Samuel A. Marti*, Jefferson County Cir. Ct., Case Nos. 13JE-CR01306-01 and 14JE-CR00876-01. The court suspended execution of a four (4) year sentence for each case, placed Marti on supervised probation, ordered Marti to serve thirty (30) days of incarceration and enter and successfully complete the 23rd Circuit's DWI Treatment Court Program. *Id.* On June 25, 2015, Marti successfully completed the 23rd Circuit's DWI Treatment Court Program. *Id.*

5. Marti acknowledges and understands that the Director may refuse to issue Marti a resident insurance producer license pursuant to § 375.141.1(6) because Marti has been convicted of two felonies.

6. Marti acknowledges and understands that he has the right to consult legal counsel at his own expense.

² All criminal statutory references are to those in effect at the time Marti committed the offense.

7. Marti stipulates and agrees to waive any waivable rights to a hearing before the Administrative Hearing Commission or the Director, any waivable rights to seek judicial review, and any waivable rights to challenge or contest the terms and conditions of this Consent Order. Marti further stipulates and agrees to forever release and hold harmless the Department, the Director and her agents, and the Consumer Affairs Division from all liability and claims arising out of, pertaining to, or relating to this matter.

8. Marti acknowledges and understands that this Consent Order is an administrative action and that the Department will report it to other states. Marti further acknowledges and understands that this administrative action should be disclosed on his future applications and renewal applications and that he is responsible for complying with the reporting requirements of each state in which he may be licensed.

9. 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

10. The facts admitted by Marti are grounds to refuse his Application for an insurance producer license pursuant to § 375.141.1(6).

11. Section 375.141 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[.]

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

13. 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.

14. 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 Department will issue a resident insurance producer license to Samuel A. Marti subject to the terms set forth herein and the following special conditions:

1. Samuel A. Marti shall report to the Consumer Affairs Division any violation of or failure to comply with Missouri insurance regulations and Missouri insurance laws, including those set forth in Chapters 374 or 375, within five (5) business days of such violation or failure to comply.
2. Samuel A. Marti 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 Samuel A. Marti, Marti shall send the Consumer Affairs Division a copy of the complaint and

a copy of Marti's response to the consumer within five (5) business days of receipt of the consumer complaint.

4. Samuel A. Marti shall report to the Consumer Affairs Division any and all of the following incidents involving Marti: 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. Marti shall report all such incidents to the Consumer Affairs Division within five (5) business days of their occurrence.
5. Samuel A. Marti shall report to the Consumer Affairs Division any administrative action undertaken or initiated against Marti in another jurisdiction or by another governmental agency in this state within the five (5) business days after Marti receives notification of the initiation of such administrative action.
6. The special conditions listed in paragraphs 1 through 5 will expire upon the earlier of expiration, lapse, termination, revocation, or renewal of Samuel A. Marti's resident insurance producer license, whichever occurs first.

IT IS FURTHER ORDERED that, for five (5) years subsequent to the date that Samuel A. Marti is issued a resident producer license, Samuel A. Marti will voluntarily surrender his resident insurance producer license to the Department within five (5) business days of Marti entering a guilty plea, entering a nolo contendere plea or *Alford* plea, being found guilty, or being convicted for a felony, regardless of whether the sentence is suspended or executed.

IT IS FURTHER ORDERED that if Samuel A. Marti fully complies with the terms of this Consent Order and no cause for the Director to discipline Marti's resident insurance producer license can be found, then Marti may apply to renew his resident insurance producer license, and the Director shall consider his renewal application in accordance with Chapters 374 and 375 without regard to Marti's prior felony convictions in *State v. Samuel A. Marti*, Jefferson County Cir. Ct., Case No. 13JE-CR01306-01 and 14JE-CR00876-01, or the underlying conduct.

IT IS FINALLY ORDERED that the Director may pursue additional legal remedies, as determined appropriate by the Director, 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 27th
DAY OF September, 2018.



Chlora Lindley Myers
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 Samuel A. Marti may have a right to a hearing but that Samuel A. Marti waives the hearing and consents to the issuance of this Consent Order.



Samuel A. Marti
4712 Alexander
St. Louis, Missouri 63116
Applicant

7/2/18

Date

N/A

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

Telephone: _____
Facsimile: _____
Email: _____~~

Date



Cheryl C. Nield, MO Bar #41569
Counsel for Consumer Affairs Division
Department of Insurance, Financial
Institutions and Professional Registration
301 West High Street, Room 530
Jefferson City, Missouri 65102
Telephone: (573) 751-2619
Facsimile: (573) 526-5492
Cheryl.Nield@insurance.mo.gov

7-16-18

Date