

DEPARTMENT OF INSURANCE

STATE OF WYOMING

WYOMING INSURANCE DEPARTMENT,)
)
Petitioner,)
)
vs.)
)
CLARK McPHERSON,)
)
Respondent.)

Docket No. 12-63

CONSENT ORDER

THIS MATTER having come on for consideration and final disposition upon the Stipulation for Consent Order dated the 13 day of December, 2012 presented herewith, and the Commissioner being otherwise fully advised in the premises, finds:

The Wyoming Insurance Commissioner has jurisdiction over this matter pursuant to Wyo. Stat. §§ 26-1-103, 26-2-109 and 26-9-211.

The entry of this Consent Order and compliance with the Settlement Stipulation for Consent Order filed herein shall conclude the administrative proceedings of Docket No. 12-63.

IT IS THEREFORE ORDERED:

A. The Stipulation for Consent Order above-referenced is attached hereto and incorporated herein, is hereby approved.

B. That compliance with the Stipulation for Consent Order fully resolves the subject matter herein and the same is hereby closed.

Dated this 13 day of December, 2012



Tom C. Hirsig, Insurance Commissioner

FILED
WYOMING INSURANCE DEPARTMENT
DATE December 13, 2012
BY Lee Anne Hilbert

DEPARTMENT OF INSURANCE

STATE OF WYOMING

WYOMING INSURANCE DEPARTMENT,)

Petitioner,)

vs.)

CLARK McPHERSON,)

Respondent.)

Docket No. 12-63

STIPULATION FOR CONSENT ORDER

IT IS HEREBY AGREED AND STIPULATED by and between Clark McPherson ("Respondent") and the Wyoming Insurance Department ("Petitioner"), as follows:

1. The Wyoming Insurance Commissioner has jurisdiction over this matter pursuant to Wyo. Stat. §§ 26-1-103, 26-2-109, and 26-9-211.

2. A uniform application for a resident producer license was received by the Department on the 10th day of October, 2012, from Respondent herein.

3. The "Applicant's Certification and Attestation" on Page 4 of the uniform application states, "I hereby certify that, under penalty of perjury, all of the information submitted in this application and attachments is true and complete. I am aware that submitting false information or omitting pertinent or material information in connection with this application is grounds for license revocation or denial of the licensing and may subject me to civil or criminal penalties."

4. Respondent signed and dated the application on or about October 10, 2012.

5. Question 1 on the uniform application asks, "Have you ever been convicted of a crime, had a judgment withheld or deferred, or are you currently charged with committing a crime?" The question goes on to define "crime" as including "a misdemeanor, felony or a military offense." The term "convicted" as used in the application, "includes, but is not limited to, having been found guilty by verdict of a judge or jury, having entered a plea of guilty or nolo contendere, or having been given probation, a suspended sentence or a fine." Applicants are not required to disclose "misdemeanor traffic citations or convictions involving driving under the influence (DUI) or driving while intoxicated (DWI), driving without a license, reckless driving, or driving with a suspended or revoked license and juvenile offenses."

6. Respondent answered "No" to Question 1 on the uniform application dated October 10, 2012.

7. Before approving the application, the commissioner must find that the individual "has provided the commissioner fingerprints and other information and permission necessary for a criminal history record background check as provided in Wyo. Stat. § 7-19-201(a)."

8. Respondent submitted fingerprint cards which the Department forwarded to the Division of Criminal Investigations for a Criminal History Report.

FILED
WYOMING INSURANCE DEPARTMENT
DATE December 13, 2012
BY Debra Hilbelm

9. While the contents of the Criminal History Report received from the Division of Criminal Investigation are confidential, information in the report indicated that Respondent had been convicted of a crime in 2000.

10. Respondent has submitted an explanation surrounding the incident and the reason it was not disclosed on his application and desires an amicable resolution of the matter.

11. In lieu of further proceedings herein, it is hereby agreed that it would be in the best interests of the parties to settle this matter as follows:

a) Respondent voluntarily waives the right to a hearing in this matter and voluntarily enters into this Stipulation for Consent Order ("Stipulation").

b) Respondent admits to the allegations set forth herein.

c) Respondent agrees to pay a civil penalty in the amount of Two Hundred Dollars (\$200.00) payable to the Wyoming State Treasurer, simultaneously with the execution of this Stipulation.

d) Respondent agrees to obey the laws of the state of Wyoming, specifically including the Wyoming Insurance Code.

e) The parties agree that this Consent Order is a public record and contains information which is routinely reported to the National Association of Insurance Commissioners' "RIRS" database. Respondent acknowledges that this matter constitutes an administrative action that may need to be reported to each state in which Respondent is licensed.

f) Respondent will submit a new application with a corrected answer to Question No. 1.

12. By entering into this Stipulation and by the filing of a Consent Order in this case, the Respondent and the Department intend to and do resolve all issues pertaining to the license disciplinary administrative penalties to be imposed against the Respondent based upon the allegations herein.

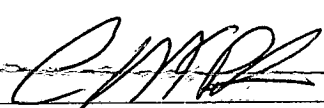
13. This Stipulation is subject to the approval of the Commissioner. Upon his approval, and without further notice, the Commissioner may issue a Consent Order providing for the following:

a) Incorporation by reference all the terms and conditions of this Stipulation.

b) That upon compliance with the terms of this Stipulation, this matter will be fully settled and closed.

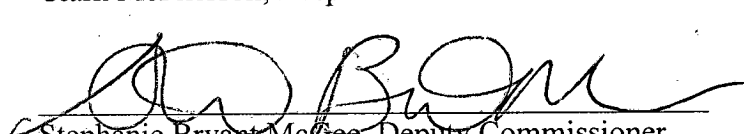
Dated:

12/12/12


Clark McPherson, Respondent

Dated:

12/13/12


Stephanie Bryant McGee, Deputy Commissioner