

3. Helton disclosed that he was entitled to a commission of 6% on each sale, resulting in income of \$18,060.
4. Helton also disclosed that he was entitled to 1% commission on the sales generated by another Missouri insurance agent that was also selling viatical settlement contracts, resulting in income of \$1,391.
5. Helton earned \$19,451 in commissions on the sale of viatical settlement contracts.
6. Helton provided the Securities Division with photocopies of checks that he had used to pay three investors returns on their investments totaling \$4,336.66.
7. Helton also provided the Securities Division with an invoice and photocopies of the canceled checks, in the amount of \$447.26, that he used to pay the premiums (for the year 2004) on a policy he sold to a Missouri investor. The viator insured by the policy has outlived his predicted life expectancy, resulting in a need for investors to make premium payments to protect their interest in the insurance policy.
8. Helton informed the investigator that he and several other salesmen joined together and filed a lawsuit against the promoters of the viatical policies and their associates. They hoped to obtain enough money through their lawsuit to pay future premiums on policies that were still in effect, thus protecting the interests of other investors, and to repay investors whose interests in viatical policies had been negated because the policies had lapsed.
9. The lawsuit, filed by Helton and others, resulted in one defendant entering into a settlement for \$682,500 plus interest with the plaintiffs.
10. Helton provided the Securities Division with copies of several court filings in the case and a settlement agreement between the parties. Included in those documents were photocopies of canceled checks Helton used to pay his portion of the legal fees for this civil action.
11. Helton's portion of the legal fees was in excess of \$11,000.
12. Respondent stipulates and agrees that, should the facts contained herein prove to be false or incomplete, the Missouri Division of Securities preserves the right to pursue any and all legal or administrative remedies at its disposal.

JURISDICTIONAL BASIS

12. Respondents and the Securities Division stipulate and agree that the Commissioner has jurisdiction over these matters pursuant to Chapter 409, et al of the Missouri Securities Act.
13. Respondents and the Securities Division stipulate and agree that the Commissioner has authority to enter this Consent Order pursuant to Section 409.6-604(h), of the 2003 Act, which provides that the commissioner is authorized to issue administrative consent orders in the settlement of any proceeding in the public interest under this act.

ORDER

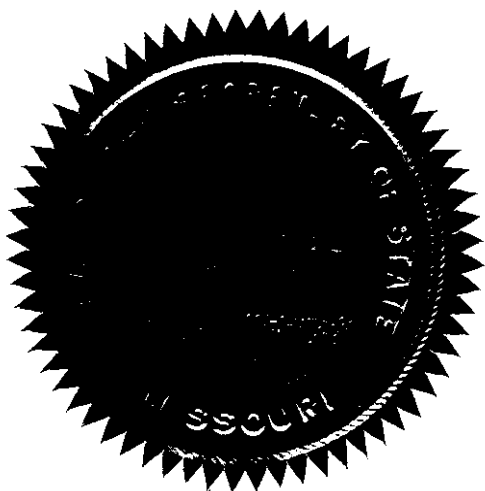
WHEREAS, the Commissioner, after consideration of the stipulations set forth above and on the consent of Respondents and the Securities Division, finds the following Order to be in the public interest, necessary for the protection of public investors and consistent with the provisions of Chapter 409, RSMo Cumulative Supp. 2001.

NOW, THEREFORE, it is hereby Ordered that:

1. Respondent, his agents, employees and servants are prohibited from:
 - A. Offering and selling viatical settlement contracts in the state of Missouri in violation of Chapter 409, RSMo Cumulative Supp. 2003.
2. Respondent shall pay **\$3,667.00** as disgorgement for the conduct that gave rise to this proceeding. Payment of this amount is due prior to or contemporaneous with the issuance of this order. Respondent shall pay the above ordered amount by cashier's check or money order made payable to The Missouri Secretary of State Investor Education Fund. Respondent shall deliver said payment to the Division of Securities, 600 W. Main Street, Jefferson City, Missouri 65102.
3. Respondent will pay his own costs and attorneys fees with respect to this matter.

SO ORDERED:

WITNESS MY HAND AND OFFICIAL SEAL OF MY OFFICE AT JEFFERSON CITY,
MISSOURI THIS 26th DAY OF October, 2004.



MATT BLUNT
SECRETARY OF STATE

Handwritten signature of Douglas M. Ommen in black ink.

DOUGLAS M. OMMEN
COMMISSIONER OF SECURITIES

Consented to by:

Handwritten signature of Omar D. Davis in black ink.

OMAR D. DAVIS
SECURITIES ENFORCEMENT COUNSEL

Handwritten signature of Philip L. Helton in black ink.

PHILIP L. HELTON, RESPONDENT