

BEFORE THE ADMINISTRATIVE HEARING COMMISSION  
STATE OF MISSOURI

**FILED**

JUN 20 2008

ADMINISTRATIVE HEARING  
COMMISSION

LINDA BOHRER, Acting Director )  
Department of Insurance, Financial )  
Institutions & Professional Registration )  
State of Missouri, )

Petitioner, )

vs. )

MICHAEL E. BARTON, )

Respondent. )

Serve: )

1735 Oakwood Dr. )  
O'Fallon, MO 63366 )  
(573) 341-0226 )

Case No.: 070924363C

COMPLAINT

LINDA BOHRER, Acting Director of the Missouri Department of Insurance, Financial Institutions and Professional Registration, through counsel, complains and requests the Administrative Hearing Commission find that cause exists for disciplinary action against Respondent, Michael E. Barton, because:

INFORMATION RELEVANT TO ALL COUNTS

1. Petitioner is the Acting Director of the Department of Insurance, Financial Institutions and Professional Registration ("the Director"). The Director has the duty to administer Chapters 374, RSMo, which includes the supervision, regulation, and discipline of bail bond agents licensed to operate and conduct business in the state of Missouri.

2. The Missouri Department of Insurance, Financial Institutions and Professional Registration (“the Department”) issued Michael E. Barton (“Barton”) a bail bond agent license which is currently active and set to expire on December 4, 2008 (License Number BB384246).

3. The Commission has jurisdiction over this Complaint pursuant to § 621.045, RSMo (Supp. 2007).

### COUNT I

4. Respondent Barton pleaded guilty to the class A misdemeanor of Impersonation of an Officer, a violation of § 575.120, RSMo (Supp. 2007), which is a ground for discipline of Barton’s bail bond agent license pursuant to § 374.755.1(6), RSMo (Supp. 2007).

5. Section 374.755.1(6), RSMo (Supp. 2007), states that the Director may suspend, revoke, refuse to issue or refuse to renew a bail bond agent license for a violation of any provision of or any obligation imposed by the laws of this state, department of insurance rules and regulations, or aiding or abetting other persons to violate such laws, orders, rules or regulations, or subpoenas.

6. The facts are as follows:

a. On or about July 3, 2007, in the Circuit Court of Phelps County, Missouri, Barton pleaded guilty to the charge of Impersonation of an Officer, a class A misdemeanor under § 575.120, RSMo (Supp. 2007).

7. As a result, sufficient grounds exist for disciplining Respondent Barton’s insurance producer license pursuant to § 374.755.1(6), RSMo (Supp. 2007).

### COUNT II

8. Petitioner realleges and expressly incorporates the allegations in paragraphs 1-7.

9. Respondent Barton no longer meets the basic qualifications of a bail bond agent as provided in § 374.715.1, RSMo (Supp. 2007), which states that, among other qualifications, a bail bond agent must meet “the qualifications for surety on bail bonds as provided by supreme court rule.”

10. Supreme Court Rule 33.17 states that “A person shall not be accepted as a surety on any bail bond unless the person: ... (c) has not, within the past 15 years, been found guilty of or pleaded guilty or nolo contendere to: (1) Any felony of this state, any other state, or the United States; or (2) Any other crime of this state, any other state, or the United States involving moral turpitude, whether or not a sentence was imposed; ...”

11. Moral turpitude is defined as “an act of baseness, vileness, or depravity in the private and social duties which a man owes to his fellowman or to society in general, contrary to the accepted and customary rule of right and duty between man and man; everything ‘done contrary to justice, honesty, modesty, and good morals’.” *In re Frick*, 694 S.W.2d 473, 479 (Mo. banc 1985) (quoting *In re Wallace*, 19 S.W.2d 625 (Mo. banc 1929)). Crimes of moral turpitude include violations involving narcotics, fraud, false pretenses and theft. *Id.*

12. Respondent Barton pleaded guilty to the class A misdemeanor of Impersonation of an Officer, a violation of § 575.120, RSMo (Supp. 2007), which is a crime of moral turpitude, and therefore Respondent Barton no longer meets the qualifications for surety on bail bonds as provided by supreme court rule, as required by § 374.715.1, RSMo (Supp. 2007), which is a ground for discipline of Barton’s bail bond agent license pursuant to § 374.755.1(6), RSMo (Supp. 2007).

13. As a result, sufficient grounds exist for disciplining Respondent Barton’s insurance producer license pursuant to § 374.755.1(6), RSMo (Supp. 2007).

**WHEREFORE**, based on the foregoing, Petitioner respectfully requests that the Commission make findings of fact and conclusions of law stating that Petitioner has established cause to discipline Respondent Michael Barton's bail bond agent license pursuant to § 374.755.1(6), RSMo (Supp. 2007).

Respectfully submitted,



---

Elfin L. Noce  
Missouri Bar # 57682  
Enforcement Counsel  
Missouri Department of Insurance, Financial  
Institutions & Professional Registration  
301 West High Street, Room 530  
Jefferson City, Missouri 65101  
Telephone: (573) 751-2619  
Facsimile: (573) 526-5492

ATTORNEY FOR PETITIONER  
Linda Bohrer, Acting Director  
Missouri Department of Insurance, Financial  
Institutions & Professional Registration