STATE OF MISSOURI
DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS & PROFESSIONAL REGISTRATION

IN THE MATTER OF:	)	
	)	
Walter M. Tate,	)	Case No. 10-0119059C
	)	
Applicant.	)	
	)	
Serve at:	)	
	)	
3326 S. Arlington Avenue Independence, Missouri 64052	))	

REFUSAL TO ISSUE INSURANCE PRODUCER LICENSE

On January 22, 2010, Elfin L. Noce, as Legal Counsel for the Consumer Affairs Division, submitted a Petition to the Director alleging cause for refusing to issue an insurance producer license to Walter M. Tate ("Tate"). After reviewing the Petition and the investigative report, the Director issues the following findings of fact, conclusions of law and summary order:

FINDINGS OF FACT

1. Walter M. Tate ("Tate") is a Missouri resident with an address of 3326 S. Arlington Avenue, Independence, Missouri 64052.

2. On or about November 10, 2009, the Department of Insurance, Financial Institutions and Professional Registration ("Department") received Tate's Uniform Application for Individual Producer License ("Application").

3. In the "Background Questions" section of the Application, Question #1 asks: "Have you ever been convicted of a crime, had a judgment withheld or deferred, or are you currently charged with committing a crime?"

4. Tate answered "Yes" to Background Question #1.

5. On October 6, 2008, in *State of Missouri v. Walter M. Tate*, Case Number 0716-CR00326-01, in the Circuit Court of Jackson County, Missouri, Tate was convicted of the unclassified felony of Statutory Rape in the 1st Degree and the class D felony Incest.

CONCLUSIONS OF LAW

6. Section 375.141, RSMo (Supp. 2008) provides, in 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 a felony or crime involving moral turpitude[.]

7. A crime involving "moral turpitude" is a crime involving "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).

8. "Statutory rape involves moral turpitude because it is contrary to good morals and involves baseness and depravity." *Dept. of Health & Senior Services, Bureau of Emergency Medical Services v. Adam R. Stover*, 02-1177 DH (Mo. Admin. Hearing Comm'n November 12, 2002).

9. "Incest...involves an act of baseness or depravity contrary to accepted moral standards, and...is a 'crime involving moral turpitude.'" *Gonzalez-Alverado v. I.N.S.*, 39 F.3d 245, 246 (9th Cir. 1994).

10. The principal purpose of § 375.141, RSMo is not to punish licensees or applicants, but to protect the public. *Ballew v. Ainsworth*, 670 S.W.2d 94, 100 (Mo.App. E.D. 1984).

11. Tate may be refused an insurance producer license based upon § 375.141.1(6), RSMo (Supp. 2008) for his October 6, 2008 convictions of the unclassified felony of Statutory Rape in the 1st Degree and the class D felony Incest *State of Missouri v. Walter M. Tate*, Case Number 0716-CR00326-01, in the Circuit Court of Jackson County, Missouri, both of which are felonies and crimes of moral turpitude.

12. In applying his discretion, the Director has considered the history of Tate and all of the circumstances surrounding Tate's Application. The Director exercises his discretion in refusing to issue an insurance producer license to Tate.

13. This order is in the public interest.

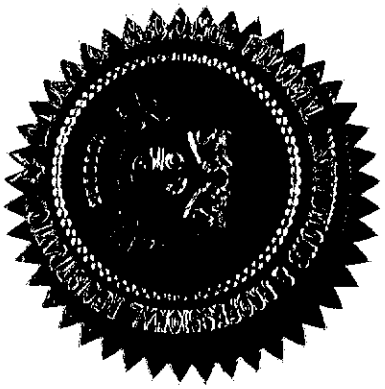
ORDER

IT IS THEREFORE ORDERED that issuance of the insurance producer license of Applicant Walter M. Tate is hereby REFUSED.

SO ORDERED.

WITNESS MY HAND THIS 27th DAY OF January, 2010.

JOHN M. HUFF
DIRECTOR



NOTICE

TO: Walter M. Tate and any unnamed persons aggrieved by this Order:

You may request a hearing in this matter. You may do so by filing a complaint with the Administrative Hearing Commission of Missouri, P.O. Box 1557, Jefferson City, Missouri within 30 days after the mailing of this notice pursuant to Section 621.120, RSMo. Under 1 CSR 15-3.290, unless you send your complaint by registered or certified mail, it will not be considered filed until the Administrative Hearing Commission receives it.

CERTIFICATE OF SERVICE

I hereby certify that on this 28th day of January, 2010, a copy/duplicate original of the foregoing Order and Notice was served upon the Walter M. Tate in this matter by certified/priority mail No. 70073020000315724346.

Walter M. Tate
3326 S. Arlington Avenue
Independence, Missouri 64052

Kimberly Landers
Kim Landers