State of Missouri

DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS & PROFESSIONAL REGISTRATION

IN THE MATTER OF:	)	
	)	
	)	**Case No. 10-0428446C**
Laura L. Amrhein,	)	
	)	
Applicant.	)	
Serve at:	)	
	)	
6485 Highway 190	)	
Chillicothe, Missouri 64601	)	

REFUSAL TO ISSUE INSURANCE PRODUCER LICENSE

On April 30, 2010, Tamara W. Kopp, Senior Enforcement Counsel and counsel to the Consumer Affairs Division, submitted a Petition to the Director alleging cause for refusing to issue an insurance producer license to Laura L. Amrhein. After reviewing the Petition, the Investigative Report, and the entirety of the file, the Director issues the following findings of fact, conclusions of law, and summary order:

FACTUAL BACKGROUND

1. Laura L. Amrhein ("Amrhein") is an individual residing in Missouri, whose mailing address of record is 6485 Highway 190, Chillicothe, Missouri 64601.

2. On October 16, 2008, the Department of Insurance, Financial Institutions and Professional Registration ("Department") received an electronic Uniform Application for Individual Insurance Producer License ("Application") from Amrhein.

3. In the Application section headed "Background Questions," Background Question # 1 asks, "Have you ever been convicted of, or are you currently charged with, committing a crime, whether or not adjudication was withheld?"

4. Amrhein answered "Yes" to Background Question # 1 and disclosed that in 2004 she had been convicted of felony conspiracy to commit murder in the first degree.

5. On or about January 3, 2002, the grand jury for the St. Louis City Circuit Court issued an indictment charging that:

> [Amrhein], in violation of Section 564.016, RSMo, committed the class B felony of conspiracy, punishable upon conviction under Section 558.011, RSMo, in that between November 17, 2001 and November 21, 2001, in the City of St. Louis, State of Missouri, [Amrhein], with the purpose of promoting or facilitating the offense of murder in the first degree agreed with Andre Garnett that one or more of them would murder Camille Reeder, and that in furtherance of the conspiracy [Amrhein] gave Garnett Camille Reeder's description and address, a map to Reeder's home, and U.S. currency as partial payment for the murder.

On or about April 15, 2004, Amrhein was found guilty upon a plea of guilty to the class B felony of conspiracy to commit murder in the first degree, sentenced to five years imprisonment, granted a suspended execution of sentence, and ordered to complete probation for a term of three years. The court file for *State of Missouri v. Laura Lee Amrhein*, St. Louis City Case Number 011-4555 is incorporated by reference as though fully stated herein.

CONCLUSIONS OF LAW

6. Section 375.141.1, RSMo (Supp. 2009), provides, in part:

> 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. Moral turpitude is "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)).

8. In *Brehe v. Missouri Dep't. of Elementary & Secondary Educ.*, which involved an attempt to discipline a teacher's certificate under § 168.071, RSMo, for committing a crime involving moral turpitude, the court referred to three categories of crimes. The categories include:

   (1) crimes that necessarily involve moral turpitude (referred to in *Brehe* as "category 1" crimes);

(2) crimes "so obviously petty that conviction carries no suggestion of moral turpitude" ("category 2" crimes); and

(3) crimes that "may be saturated with moral turpitude," yet do not involve it necessarily ("category 3" crimes).

See *Brehe v. Missouri Dep't. of Elementary & Secondary Educ.*, 213 S.W.3d 720, 725 (Mo. App. 2007).

9. Category 1 crimes, since they necessarily involve moral turpitude, require no analysis beyond their elements to show moral turpitude; Category 3 crimes require some examination of the facts supporting the conviction in order to determine whether they involve moral turpitude. See *Brehe* at 725-727. First degree murder is a category 1 crime of moral turpitude. *Id.* at 725.

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. Amrhein may be refused an insurance producer license pursuant to § 375.141.1(6), RSMo (Supp. 2009), for having been convicted of a class B felony in *State of Missouri v. Laura Lee Amrhein*, St. Louis City Case Number 011-4555. Amrhein's felony conviction of conspiracy to commit first degree murder also constitute a category 1 crime of moral turpitude because it shows "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." *Frick* at 479.

12. The Director has considered Amrhein's history and all of the circumstances surrounding Amrhein's Application for licensure and exercised his discretion in summarily refusing to grant Amrhein's insurance producer license.

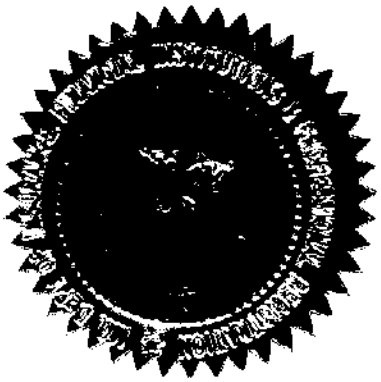
13. Granting Amrhein's insurance producer license would not be in the public interest.

14. This Order is in the public interest.

ORDER

IT IS THEREFORE ORDERED that the insurance producer license application of **Laura L. Amrhein** is hereby summarily **REFUSED**.

SO ORDERED, SIGNED AND OFFICIAL SEAL AFFIXED THIS 3RD **DAY OF MAY, 2010.**



JOHN M. HUFF
DIRECTOR

NOTICE

TO: Applicant 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, P.O. Box 1557, Jefferson City, Missouri within 30 days after the mailing of this notice pursuant to § 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 10th day of May, 2010, a duplicate original of the foregoing Order and Notice was served upon the Applicant in this matter by certified mail No. 7004135000035331 at the following address:

Laura L. Amrhein
6485 Highway 190
Chillicothe, Missouri 64601

Kathryn Randolph