



State of Missouri

DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND
PROFESSIONAL REGISTRATION

IN RE:

EDWARD A. LOETEL,

Applicant.

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Case No. 196629

**ORDER REFUSING TO ISSUE MOTOR VEHICLE
EXTENDED SERVICE CONTRACT PRODUCER LICENSE**

On November 7, 2013, the Consumer Affairs Division submitted a Petition to the Director alleging cause for refusing to issue a motor vehicle extended service contract (MVESC) producer license to Edward A. Loetel. After reviewing the Petition and the Investigative Report, the Director issues the following findings of fact, conclusions of law, and order:

FINDINGS OF FACT

1. Edward A. Loetel ("Loetel") is a Missouri resident with a residential address of record of 1872 N. Signal Hills Drive, Kirkwood, Missouri, 63122.
2. On April 18, 2013, the Department of Insurance, Financial Institutions and Professional Registration ("Department") received Loetel's completed Application for Motor Vehicle Extended Service Contract Producer License ("Application").
3. Background Question No. 1 of the Application asks the following, in relevant part:

Have you ever been convicted of a crime, had a judgement withheld or deferred, or are you currently charged with committing a crime?
4. Loetel answered "Yes" to Question No. 1.
5. Loetel attached uncertified court documents to his Application, which revealed that on November 1, 1989, Loetel pleaded guilty in the Clay County Circuit Court to the Class B Felony of Sodomy, a violation of § 566.060.¹ The court sentenced Loetel to fifteen years' imprisonment.²

¹ References to this statute are to the version contained in the Revised Statutes of Missouri under which Loetel pleaded guilty.

² *State of Missouri v. Edward A. Loetel*, Clay Co. Cir. Ct., No. CR188-2347FX.

6. Loetel also attached to his Application a written statement in which Loetel described his efforts to rehabilitate himself, including his participation in rehabilitation and self-improvement groups while incarcerated and his involvement with church and the community since his release, and described his business activities since his release.
7. Upon a request from the Consumer Affairs Division, Loetel provided a second written explanation on or about May 23, 2013, in which Loetel described the basis for his conviction of the Class B Felony of Sodomy. Loetel's conviction was based on sexual acts committed by Loetel over "several years," involving Loetel's niece when she was aged "about 9 to 12."
8. In the second written explanation, Loetel again described his efforts to rehabilitate himself, including the therapy he had undertaken while in prison and had continued while out on parole, and averred that since his release "there have been no incidents of any type of criminal or questionable activity."

CONCLUSIONS OF LAW

9. Section 385.209 RSMo, Supp. 2012, provides, in part:
 1. The director may suspend, revoke, refuse to issue, or refuse to renew a registration or license under sections 385.200 to 385.220 for any of the following causes, if the applicant or licensee or the applicant's or licensee's subsidiaries or affiliated entities acting on behalf of the applicant or licensee in connection with the applicant's or licensee's motor vehicle extended service contract program has:

* * *

(5) Been convicted of any felony[.]
10. Just as the principal purpose of § 375.141, the insurance producer disciplinary statute, 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), the purpose of § 385.209 is not to punish applicants for a motor vehicle extended service contract producer license, but to protect the public.
11. The Director may refuse to issue an MVESC producer license to Loetel under § 385.209.1(5) because Loetel has been convicted of a felony:
 - a. The Class B Felony of Sodomy, a violation of § 566.060.³
12. The Director has considered Loetel's history and all of the circumstances surrounding Loetel's Application. Although Loetel apparently has not been charged with any

³ *State of Missouri v. Edward A. Loetel*, Clay Co. Cir. Ct., No. CR188-2347FX.

criminal offenses since his release from prison, and although Loetel appears to have undertaken meaningful efforts to rehabilitate himself, the crime of which Loetel was convicted, felony Sodomy, particularly given the facts of the offenses he committed, is extremely serious and reflects a potential for grave risk to the public. Granting Loetel an MVESC producer license would not be in the interest of the public. Accordingly, the Director exercises his discretion and refuses to issue a MVESC producer license to Loetel.

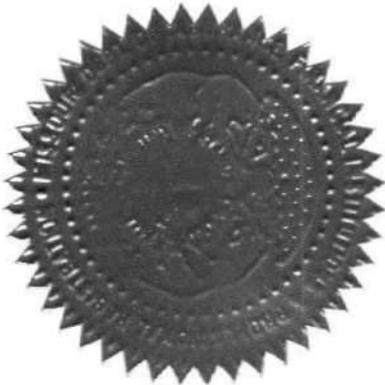
13. This order is in the public interest.

ORDER

IT IS THEREFORE ORDERED that the motor vehicle extended service contract producer license application of **Edward A. Loetel** is hereby **REFUSED**.

SO ORDERED.

WITNESS MY HAND THIS 12TH DAY OF NOVEMBER, 2013.




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 of Missouri, P.O. Box 1557, Jefferson City, Missouri, within 30 days after the mailing of this notice pursuant to Section 621.120, RSMo. Pursuant to 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 12th day of November, 2013, a copy of the foregoing Order and Notice was served upon the Applicant in this matter by regular and certified mail at the following address:

Edward A. Loetel
1872 N. Signal Hills Drive
Kirkwood, Missouri 63122

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