State of Missouri

DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS & PROFESSIONAL REGISTRATION

IN RE:	)	
	)	
	)	Case No. 111117790C
Michael S. Ide,	)	
	)	
Applicant.	)	
	)	
Serve at:	)	
	)	
2813 South 22nd Street	)	
Saint Joseph, Missouri 64503	)	

ORDER REFUSING TO ISSUE INSURANCE PRODUCER LICENSE

On November 30, 2011, the Consumer Affairs Division submitted a Petition to the Director alleging cause for refusing to issue an insurance producer license to Michael S. Ide. 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. Michael S. Ide ("Ide") is an individual residing in Missouri, whose residence and mailing address of record is 2813 South 22nd Street, Saint Joseph, Missouri 64503.

2. On or about June 3, 2011, the Department of Insurance, Financial Institutions and Professional Registration ("Department") received a Uniform Application for Individual Insurance Producer License ("Application") from Ide.

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

4. Ide answered "Yes" to Background Question # 1, and submitted three

letters of recommendation, documentation from the Missouri Board of Probation and Parole, court docket sheets for *State v. Michael S. Ide*, Case No. 05CR05930655-01 (felony First Degree Robbery), tax returns for 2006-2010, and parts of an application for written consent to engage in the business of insurance pursuant to 18 U.S.C. §1033.

5. Ide disclosed the following in response to Background Question # 1 and through the documentation that accompanied his Application:

    a. On February 22, 1994, the Buchanan County Circuit Court sentenced Ide to 10 years imprisonment upon a jury verdict of guilty for the crime of First Degree Robbery, a Class A Felony in violation of §569.020 RSMo 1986. *State v. Michael S. Ide*, Case No. 05CR05930655-01.

    b. On July 23, 1999, Ide was released from prison, but was still subject to parole supervision.

    c. The Missouri Board of Probation and Parole discharged Ide from parole supervision on February 24, 2004.

6. In response to a follow up letter from Consumer Affairs Division Investigator Karen Crutchfield, Ide later disclosed that on August 25, 1992, Ide pled guilty to stealing, a Class A Misdemeanor in violation of §570.030 RSMo 1986. *See State v. Michael S. Ide*, Buchanan County Circuit Court, Case No. 05CR06920310.

CONCLUSIONS OF LAW

7. Section 375.141.1 RSMo Supp. 2010,[1] 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[.]

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

[1] All statutory references are to the Revised Statutes of Missouri Supp. 2010 unless otherwise noted.

9. Ide may be refused an insurance producer license pursuant to §375.141.1(6), because he was convicted of a felony, First Degree Robbery. *See State v. Michael S. Ide*, Case No. 05CR05930655-01.

10. Ide additionally may be refused under §375.141.1(6), because First Degree Robbery and Stealing are crimes of moral turpitude. *State v. Michael S. Ide*, Case No. 05CR06920310; *State v. Michael S. Ide*, Case No. 05CR05930655-01; *Mendoza v. Holder,* 623 F.3d 1299, 1234 (9th Cir. 2010) citing *Bartos v. U.S. Dist. Ct.,* 19 F.2d 722, 724 (8th Cir. 1927) ("theft, whether it be grand or petit larceny[,] involves moral turpitude.").

11. The Director has considered Ide's history and all of the circumstances surrounding Ide's Application for licensure and exercises his discretion in summarily refusing to grant Ide's resident insurance producer license.

12. The Director has considered Ide's history and all of the circumstances mentioned in the Petition and exercises his discretion in summarily refusing to grant Ide's application for written consent to engage in the business of insurance in accordance with 18 U.S.C. §1033.

13. Granting Ide's insurance producer license or written consent to engage in the business of insurance would not be in the public interest.

14. This Order is in the public interest.

ORDER

IT IS THEREFORE ORDERED that the resident insurance producer license application of Michael S. Ide is hereby summarily REFUSED.

IT IS FURTHER ORDERED that Michael S. Ide's application for written consent to engage in the business of insurance in accordance with 18 U.S.C. §1033 is hereby denied.

SO ORDERED, SIGNED, AND OFFICIAL SEAL AFFIXED THIS 19th DAY OF DECEMBER, 2011.

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 20th day of December, 2011, 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:

Michael S. Ide
2813 South 22nd Street
Saint Joseph, Missouri 64503

Certified Mail No. 7008 2810 0000 2014 9165

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