State of Missouri

DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION

IN RE:	)	
	)	
MICHAEL MORGAN SEBOLD,	)	**Case No. 150213089C**
	)	
Applicant.	)	

ORDER REFUSING TO ISSUE INSURANCE PRODUCER LICENSE

On August 27, 2015, the Consumer Affairs Division submitted a Petition to the Director alleging cause for refusing to issue a resident insurance producer license to Michael Morgan Sebold. After reviewing the Petition, Investigative Report, and the entirety of the file, the Director issues the following findings of fact, conclusions of law, and Order:

FINDINGS OF FACT

1. Michael Morgan Sebold ("Sebold") is a Missouri resident with a residential and mailing address of record of 19 East Leslie Lane, Columbia, Missouri 65202.

2. On January 13, 2015, the Department received Sebold's completed Uniform Application for Individual Producer License/Registration ("Application").

3. Sebold answered "Yes" to Background Question 38.1b of the Application which asked, in relevant part, "Have you ever been convicted of a felony, had a judgment withheld or deferred, or are you currently charged with committing a felony?"

4. Background Question 38 of the Application also instructs, in relevant part:

> If you answer yes … , you must attach to this application:
> a) a written statement explaining the circumstances of each incident,
> b) a copy of the charging document,
> c) a copy of the official document, which demonstrates the resolution of the charges or any final judgment.

5. Sebold accordingly included with his Application a written statement and copies of court documents indicating a lengthy history of alcohol-related offenses:

   a. On November 19, 2007, Sebold pled guilty to Driving While Intoxicated -

Alcohol, a Class B Misdemeanor, in violation of § 577.010.[1] *State v. Michael M. Sebold*, Jefferson Co. Cir. Ct., Case No. 07JE-CR03747. The court suspended imposition of sentence and ordered Sebold to complete two years' supervised probation, but on May 19, 2009, revoked his probation and convicted Sebold after finding that he had violated the terms of his probation. *Id.*;

b. On August 17, 2009, Sebold pled guilty to Excessive Blood Alcohol Content, an ordinance violation, in St. Louis County Municipal Court. *St. Louis. Co. v. Michael Sebold*, St. Louis Co. Mun. Ct., Case No. 08SM-10269C-6. The court sentenced Sebold to 180 days' incarceration and a $750 fine, but suspended execution of the sentence and ordered Sebold to complete two years' supervised probation. *Id.*;

c. On August 9, 2011, Sebold was convicted of Driving While Intoxicated - Alcohol - Persistent Offender, a Class D Felony, in violation of § 577.010. *State v. Michael M. Sebold*, Jefferson Co. Cir. Ct., Case No. 10JE-CR03412-01. The court sentenced Sebold to three years' incarceration, but suspended execution of the sentence and ordered him to complete three years' supervised probation, 200 hours of community service, and to continue to wear an alcohol monitoring device pursuant to its order in Case No. 07JE-CR03747. *Id.* On November 9, 2012, upon Sebold's admission that he had been arrested for a DWI in St. Louis County on June 21, 2012, the court revoked his probation and executed its sentence. *Id.*; and

d. On May 10, 2013, Sebold was convicted of Driving While Intoxicated - Alcohol - Aggravated Offender, a Class C Felony, in violation of § 577.010. *State v. Michael M. Sebold*, St. Louis Co. Cir. Ct., Case No. 13SL-CR01600-01. The court sentenced Sebold to three years' incarceration, to be served concurrently with the sentence imposed in Case No. 10JE-CR03412-01. *Id.*

6. As a result of Sebold's August 9, 2011 conviction, on April 3, 2012, the Missouri Supreme Court suspended his law license and assessed a $1,000 fee for violating its Rule 4-8.4(b). *In re Michael M. Sebold*, Mo. S. Ct., Case No. SC92047.

7. In his written statement submitted with the Application and addressing his felony convictions, Sebold admitted that he "got drunk … [and] [i]n a completely blacked-out state … apparently had driven all around neighboring Arnold, Missouri … [and] remembered nothing but waking up in jail the next morning with no idea how [he] had gotten there." "While still on probation for [his] first felony DWI conviction[,]" he then went on a "prodigious bender" and "[i]n a completely blacked-out state … again went off driving with no recollection of ever getting in the car." Sebold explained that both felony convictions were precipitated by driving his daughter's car, though once only after finding the keys she had hidden, and that his most recent "bender" occurred when "[t]wo days earlier the Jefferson County Circuit Court had granted [him] permission to have [his] Sc[r]am monitor removed."

[1] All criminal statutory references are to those contained in the version of the Revised Statutes of Missouri pursuant to which each judgment was rendered.

CONCLUSIONS OF LAW

8. Section 375.141.1, RSMo (Supp. 2013)[2] provides, in relevant 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[.]

9. "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. E.D. 1984).

10. The Director may refuse to issue a resident insurance producer license to Sebold pursuant to § 375.141.1(6) because Sebold has been convicted of two felonies, specifically:

    a. Driving While Intoxicated - Alcohol - Persistent Offender, a Class D Felony, *State v. Michael M. Sebold*, Jefferson Co. Cir. Ct., Case No. 10JE-CR03412-01; and

    b. Driving While Intoxicated - Alcohol - Aggravated Offender, a Class C Felony, *State v. Michael M. Sebold*, St. Louis Co. Cir. Ct., Case No. 13SL-CR01600-01.

11. Each of Sebold's felony convictions constitutes a separate and sufficient cause for refusal pursuant to § 375.141.1(6).

12. The Director may refuse to issue a resident insurance producer license to Sebold pursuant to § 375.141.1(6) because Sebold has been convicted of three crimes involving moral turpitude, specifically:

    a. Driving While Intoxicated - Alcohol, *State v. Michael M. Sebold*, Jefferson Co. Cir. Ct., Case No. 07JE-CR03747;

    b. Driving While Intoxicated - Alcohol - Persistent Offender, *State v. Michael M. Sebold*, Jefferson Co. Cir. Ct., Case No. 10JE-CR03412-01; and

    c. Driving While Intoxicated - Alcohol - Aggravated Offender, *State v. Michael M. Sebold*, St. Louis Co. Cir. Ct., Case No. 13SL-CR01600-01.

13. Each of Sebold's convictions for a crime involving moral turpitude constitutes a separate and sufficient cause for refusal pursuant to § 375.141.1(6).

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[2] All civil statutory references are to the 2000 Missouri Revised Statutes, as updated by the 2013 RSMo Supplement, unless otherwise noted.

14. The Director has considered Sebold's history and all of the circumstances surrounding Sebold's Application, particularly Sebold's lengthy record of risking public safety by defying court orders and operating motor vehicles while intoxicated. Although given multiple opportunities to reform his behavior by the leniency of suspended sentences and probation, and even in spite of mounting penalties as his misdemeanors gave way to felonies, Sebold redoubled his inexcusably dangerous conduct. As a former officer of the court, Sebold showed alarming disrespect for the rule of law. Issuing a resident insurance producer license to Sebold would not be in the interest of the public. Accordingly, the Director exercises his discretion and refuses to issue a resident insurance producer license to Sebold.

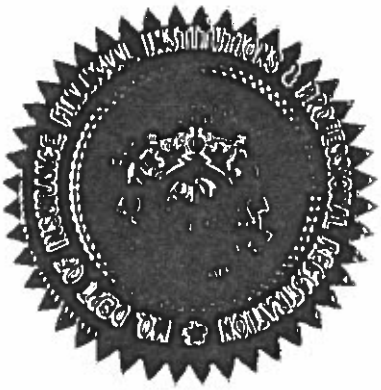
15. This Order is in the public interest.

ORDER

IT IS THEREFORE ORDERED that the resident insurance producer license application of **Michael Morgan Sebold** is hereby **REFUSED**.

SO ORDERED.

WITNESS MY HAND THIS 28th **DAY OF** August, **2015.**



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 28th day of August, 2015, a copy of the foregoing Order and Notice was served upon the Applicant in this matter by UPS, signature required service, at the following address:

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Columbia, Missouri 65202-1530

No. 1Z0R15W84298670973

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