State of Missouri

DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION

IN RE:	)	
	)	
TALIBDIN EL-AMIN,	)	**Case No. 150727382C**
	)	
Applicant.	)	

ORDER REFUSING TO ISSUE INSURANCE PRODUCER LICENSE

On September 21, 2015, the Consumer Affairs Division, through counsel Tammy S. Kearns, submitted a Petition to the Director alleging cause to refuse to issue an insurance producer license to Talibdin El-Amin. 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 order:

FINDINGS OF FACT

1. Talibdin El-Amin ("El-Amin") is a Missouri resident with a residential and mailing address of 5058 Durant Avenue, St. Louis, Missouri 63115.

2. On February 8, 1999, Mark Anthony Bastain legally changed his name to Talibdin El-Amin. *In re Mark Anthony Bastain*, Name Change, St. Louis Co. Cir. Ct., Case No. 2199FC-00304.

3. The Department of Insurance, Financial Institutions and Professional Registration ("Department") received El-Amin's completed electronic application for an individual resident insurance producer license ("Application") on May 1, 2015.

4. The "Attestation" section of the Application, states, in relevant part:

    1. I hereby certify that, under penalty of perjury, all of the information submitted in this application and attachments is true and complete. I am aware that submitting false information or omitting pertinent or material information in connection with this application is grounds for license revocation or denial of the license and may subject me to civil or criminal penalties.

* * *

4. I further certify that, under penalty of perjury, a) I have no child-support obligation, b) I have a child-support obligation and I am currently in compliance with that obligation, or c) I have identified my child support obligation arrearage on this application.

5. El-Amin accepted the "Attestation" section.

6. Background Question No. 1B of the Application asks the following:

> Have you ever been convicted of a felony, had a judgment withheld or deferred, or are you currently charged with committing a felony? You may exclude juvenile adjudications (offenses where you were adjudicated delinquent in a juvenile court)[.]

7. El-Amin marked "Yes" to Background Question No. 1B of his Application and provided a letter and copies of the Information, a Notice regarding El-Amin's U.S. Passport, and the Satisfaction of Restitution entered in Case No. 4:09CR00617HEA.

   a. The Information charged El-Amin in part as follows:

   > From in or about March, 2009 to on or about June 1, 2009, within the City of St. Louis, in the Eastern District of Missouri, and elsewhere, defendant TALIBDIN EL-AMIN did corruptly solicit, demand, accept and agree to accept a thing of value from a person, that is, several cash payment totaling $2,100, intending to be influenced and rewarded in connection with his position and duties as a Member of the Missouri House of Representatives relative to the operations of a small business in the City of St. Louis, valued in excess of $5,000.

   b. On January 6, 2010, El-Amin pled guilty to Bribery Involving Federal Programs, a federal felony, in violation of 18 U.S.C. § 666(a)(1)(B) and (2). The court sentenced El-Amin to eighteen (18) months' incarceration and placed El-Amin on supervised probation for two (2) years.

   United States v. Talibdin El-Amin, U.S. Dist. Ct., Case No. 4:09CR00617HEA (E.D. Mo.).

8. Background Question No. 1C of the Application asks the following:

> Have you ever been convicted of a military offense, had a judgment withheld or deferred, or are you currently charged with committing a military offense? Note: For Questions 1a, 1b and 1c, "Convicted" includes, but is not limited to, having been found guilty by verdict of a judge or jury, having entered a plea of guilty or nolo contendere or no contest, or having been given probation, a suspended sentence, or a fine. If you answer yes to any of these questions, 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.

9. El-Amin marked "Yes" to Background Question No. 1C and attached a written statement with his Application in which he explained, verbatim:

> In October 1991, I was held in a military holdover facility for 120 days, ultimately charged with failure to pay a debt, and Art. 34 of Uniform Military Code of Justice violation. The charges resulted in a reduction in paygrade. All matters of the court have been resolved. Matter of public record.

10. El-Amin later provided a copy of his Certificate of Release or Discharge from Active Duty which states that on September 11, 1992, El-Amin was discharged from the United States Navy "under other than honorable conditions." The Certificate of Release states the reason for separation is "misconduct – commission of a serious offense." *In re: Mark Anthony Bastain*, Certificate of Release or Discharge from Active Duty.

11. Background Question No. 7 of the Application asks the following:

> Do you have a child support obligation in arrearage?

12. El-Amin marked "No" to Background Question No. 7.

13. However, during its' investigation, the Consumer Affairs Division ("Division") discovered two (2) child support arrearages that El-Amin failed to disclose in response to Background Question No. 7 on his Application:

    a. El-Amin owed $4,015.89 in child support arrears to S.F. as of May 2015 when the Department received El-Amin's completed Application. El-Amin is obligated to pay $409.00 per month in child support. As of September 17, 2015, El-Amin owed $5,088.84 in arrears. *Mark Anthony Bastain v. Shannon Kiante Bastain*, St. Louis Co. Cir. Ct., Case No. 2198FC-02506.

    b. El-Amin owed $36,949.10 in child support arrears to A.W. as of May 2015 when the Department received El-Amin's completed Application. El-Amin is obligated to pay $438.00 per month in child support. As of September 17, 2015, El-Amin owed $38,098.20 in arrears. *Mark A. Bastain, et al. v. Antonnia Washington, et al.*, St. Louis Co. Cir. Ct., Case No. 2104FC-10338.

14. During its' investigation, the Division also discovered that on July 25, 2013, a civil judgment was entered against El-Amin in the amount of $536,822.38 because El-Amin knowingly violated campaign disclosure laws during El-Amin's position as a member of the Missouri House of Representatives. The court found that El-Amin failed to report campaign contributions, failed to report campaign expenditures, allowed expenditures by

unauthorized persons, made cash withdrawals exceeding the permissible amount, and commingled funds. *Missouri Ethics Commission v. Talibdin El-Amin*, Cole Co. Cir. Ct., Case No. 12AC-CC00411-01.

15. It is inferable, and hereby found as fact, that El-Amin answered "No" to Background Question No. 7 on his Application to misrepresent to the Director that he had no outstanding child support arrearages and, accordingly, to increase the likelihood that the Director would issue an insurance producer license to El-Amin.

CONCLUSIONS OF LAW

16. Section 375.141 RSMo (Supp. 2013)[1] provides, in relevant 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:
>
> (1) Intentionally providing materially incorrect, misleading, incomplete or untrue information in the license application;
>
> * * *
>
> (3) Obtaining or attempting to obtain a license through material misrepresentation or fraud;
>
> * * *
>
> (6) Having been convicted of a felony or crime involving moral turpitude;
>
> * * *
>
> (8) Using fraudulent, coercive, or dishonest practices, or demonstrating incompetence, untrustworthiness or financial irresponsibility in the conduct of business in this state or elsewhere;
>
> * * *
>
> (13) Failing to comply with an administrative or court order imposing a child support obligation[.]

17. The Director may refuse to issue an individual resident insurance producer license to El-Amin pursuant to § 375.141.1(1) because he intentionally provided materially incorrect, misleading, incomplete or untrue information in his Application when he failed to

[1] All statutory references are to the Revised Statutes of Missouri (2000) as updated by the 2013 Supplement unless otherwise noted.

disclose two (2) child support arrearages in response to Background Question No. 7:

a. *Mark A. Bastain, et al. v. Antonnia Washington, et al.*, St. Louis Co. Cir. Ct., Case No. 2104FC-10338. (Arrearage of $36,949.10 when the Department received El-Amin's completed Application; Arrearage of $38,098.20 as of September 2015).

b. *Mark Anthony Bastain v. Shannon Kiante Bastain*, St. Louis Co. Cir. Ct., Case No. 2198FC-02506. (Arrearage of $4,015.89 when the Department received El-Amin's completed Application; Arrearage of $5,088.84 as of September 2015).

18. Each instance in which El-Amin intentionally provided materially incorrect, misleading, incomplete or untrue information in his Application is a separate and sufficient ground for refusal pursuant to § 375.141.1(1).

19. The Director may refuse to issue an individual resident insurance producer license to El-Amin pursuant to § 375.141.1(3) because he attempted to obtain a license through material misrepresentation or fraud when he failed to disclose two (2) child support arrearages in response to Background Question No. 7 on his Application:

a. *Mark A. Bastain, et al. v. Antonnia Washington, et al.*, St. Louis Co. Cir. Ct., Case No. 2104FC-10338. (Arrearage of $36,949.10 when the Department received El-Amin's completed Application; Arrearage of $38,098.20 as of September 2015).

b. *Mark Anthony Bastain v. Shannon Kiante Bastain*, St. Louis Co. Cir. Ct., Case No. 2198FC-02506. (Arrearage of $4,015.89 when the Department received El-Amin's completed Application; Arrearage of $5,088.84 as of September 2015).

20. Each instance in which El-Amin attempted to obtain a license through material misrepresentation or fraud is a separate and sufficient ground for refusal pursuant to § 375.141.1(3).

21. The Director may refuse to issue an individual resident insurance producer license to El-Amin pursuant to § 375.141.1(6) because he has been convicted of a felony:

a. Bribery Involving Federal Programs, a federal felony. *United States v. Talibdin El-Amin*, U.S. Dist. Ct., Case No. 4:09CR00617HEA (E.D. Mo.).

22. The Director may refuse to issue an individual resident insurance producer license to El-Amin pursuant to § 375.141.1(6) because he has been convicted of a crime involving moral turpitude:

a. Bribery Involving Federal Programs, a federal felony. *United States v. Talibdin El-Amin*, U.S. Dist. Ct., Case No. 4:09CR00617HEA (E.D. Mo.).

23. The Director may refuse to issue an individual resident insurance producer license to El-Amin pursuant to § 375.141.1(8) because he used fraudulent, coercive, or dishonest

practices, or demonstrated incompetence, untrustworthiness or financial irresponsibility in the conduct of business in this state when he corruptly solicited, demanded, accepted, and agreed to accept $2,100 to use his influence as a member of the Missouri House of Representatives to resolve issues related to the operations of a small business in his district. *United States v. Talibdin El-Amin*, U.S. Dist. Ct., Case No. 4:09CR00617HEA (E.D. Mo.).

24. The Director may refuse to issue an individual resident insurance producer license to El-Amin pursuant to § 375.141.1(8) because he used fraudulent, coercive, or dishonest practices, or demonstrated incompetence, untrustworthiness or financial irresponsibility in the conduct of business in this state when he failed to report campaign contributions, failed to report campaign expenditures, allowed expenditures by unauthorized persons, made cash withdrawals exceeding the permissible amount, and commingled funds. Said acts occurred while El-Amin served as a member of the Missouri House of Representatives and were committed in violation of Missouri's campaign disclosure laws. *Missouri Ethics Commission v. Talibdin El-Amin*, Cole Co. Cir. Ct., Case No. 12AC-CC00411-01.

25. Each instance in which El-Amin used fraudulent, coercive, or dishonest practices, or demonstrated incompetence, untrustworthiness or financial irresponsibility in the conduct of business in this state is a separate and sufficient ground for refusal pursuant to § 375.141.1(8).

26. The Director may refuse to issue an individual resident insurance producer license to El-Amin pursuant to § 375.141.1(13) because El-Amin failed to comply with administrative or court orders imposing child support obligations:

    a. *Mark A. Bastain, et al. v. Antonnia Washington, et al.*, St. Louis Co. Cir. Ct., Case No. 2104FC-10338. (Arrearage of $36,949.10 when the Department received El-Amin's completed Application; Arrearage of $38,098.20 as of September 2015).

    b. *Mark Anthony Bastain v. Shannon Kiante Bastain*, St. Louis Co. Cir. Ct., Case No. 2198FC-02506. (Arrearage of $4,015.89 when the Department received El-Amin's completed Application; Arrearage of $5,088.84 as of September 2015).

27. Each failure to comply with an administrative or court order imposing a child support obligation is a separate and sufficient ground for refusal pursuant to § 385.209.1(13).

28. The underlying facts of El-Amin's federal felony conviction for bribery and the civil judgment entered against him for violating campaign finance laws as well as his significant child support arrearages that he failed to disclose demonstrate that El-Amin should not be issued a license as an insurance producer because it would not be in the public interest.

29. The Director has considered El-Amin's history and all of the circumstances surrounding El-Amin's Application, and exercises his discretion to refuse to issue an insurance producer license to El-Amin.

30. This order is in the public interest.

ORDER

IT IS THEREFORE ORDERED that **Talibdin El-Amin's** application for an insurance producer license is hereby **REFUSED.**

SO ORDERED.

WITNESS MY HAND THIS 22ND **DAY OF** SEPTEMBER, **2015.**

JOHN M. HUFF, Director
Missouri Department of Insurance, Financial Institutions and Professional Registration

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 23rd day of September, 2015, a copy of the foregoing Order and Notice was served upon the Applicant in this matter by UPS, signature required, at the following address:

Talibdin El-Amin
5058 Durant Avenue
St. Louis, Missouri 63115

Tracking No. 1Z0R15W84298807218

Kathryn Latimer

Kathryn Latimer, Paralegal
Missouri Department of Insurance, Financial
Institutions and Professional Registration
301 West High Street, Room 530
Jefferson City, Missouri 65101
Telephone: 573.751.6515
Facsimile: 573.526.5492
Email: kathryn.latimer@insurance.mo.gov