



DEPARTMENT OF COMMERCE AND INSURANCE

P.O. Box 690, Jefferson City, Mo. 65102-0690

IN RE:)
)
MICHAEL E. HINKEBEIN,) **Case No. 2310240853C**
)
Applicant.)

CONSENT ORDER

CHLORA LINDLEY-MYERS, Director of the Missouri Department of Commerce and Insurance, takes up the above matter for consideration and disposition. The Consumer Affairs Division of the Department’s Insurance Divisions, through counsel, and Michael E. Hinkebein have reached a settlement in this matter and have agreed to the issuance of this Consent Order.

FINDINGS OF FACT

1. Chlora Lindley-Myers is the duly appointed Director of the Missouri Department of Commerce and Insurance (“Director” of the “Department”) whose duties, pursuant to, among others, Chapters 374 and 375, RSMo (2016)¹, include the supervision, regulation, and discipline of insurance producers.

2. The Consumer Affairs Division (“Division”) of the Department has the duty of conducting investigations into the conduct of insurance producers pursuant to the laws of Missouri

¹ All civil statutory references are to the 2016 Revised Statutes of Missouri unless otherwise noted.

and has been authorized by the Director to investigate and initiate actions to enforce the insurance laws of Missouri, including insurance producer license refusal.

3. Michael E. Hinkebein (“Hinkebein”) is a Missouri resident, whose reported home, business, and mailing address is 9998 State Route AA, Farmington, Missouri 63640.

4. On July 8, 2020, the Department received Hinkebein’s electronic application for a resident insurance producer license (“2020 Application”).

5. Background Information Question 1B of the 2020 Application asks:

Have you ever been convicted of a felony, had a judgment withheld or deferred, or are you currently charged with committing a felony?

6. Hinkebein answered “Yes” to Question 1B on his 2020 Application.

7. Hinkebein submitted information about two felony driving while intoxicated (“DWI”) convictions, one based on an incident that occurred in 2012, and another in 2016.

8. Hinkebein pled guilty to the Class C Felony of DWI – Aggravated Offender, in violation of § 577.010² for events that took place on July 21, 2012. *State v. Michael E. Hinkebein*, Jefferson Co. Cir. Ct., Case No. 12 JE-CR04502-01. The court accepted Hinkebein’s plea, suspended execution of a 7-year prison sentence, placed him on five years of supervised probation, and ordered him to complete the court treatment program and serve 60 days in Jefferson County Jail. *Id.* After a subsequent DWI felony, on October 13, 2016, the court revoked Hinkebein’s probation and ordered him incarcerated for 120 days of institutional treatment per § 559.115. *Id.* He was released from prison on January 25, 2017, and started five years of supervised probation on January 31, 2017. *Id.* On December 14, 2019, the Board of Probation and Parole, Missouri Department of Corrections discharged Hinkebein from supervision. *Id.*

² All criminal statutory references are to the version of the Revised Statutes of Missouri in effect at the time of the commission of the crime.

9. Hinkebein pled guilty to the Class C Felony of DWI, Aggravated Offender, in violation of § 577.010, for events that happened on or around May 21, 2016. *State v. Michael E. Hinkebein*, St. Francois Co. Cir. Ct., Case No. 16SF-CR00912-01. On July 27, 2018, the court accepted Hinkebein's guilty plea and ordered him to be incarcerated for 5 years. *Id.* On March 2, 2020, the Board of Probation and Parole, Missouri Department of Corrections released Hinkebein on parole. On January 23, 2023, the Board of Probation and Parole, Missouri Department of Corrections released Hinkebein from supervision. *Id.*

10. Hinkebein also submitted information showing three misdemeanor alcohol-related traffic offenses:

- a. On January 24, 1989, Hinkebein pled guilty to the Class B Misdemeanor of DWI in violation of § 577.010.1(5), in *State v. Michael Edward Hinkebein*, Nodaway Co. Cir. Ct., Case No. CR888-489M, for events that occurred on November 19, 1988.
- b. On June 6, 1990, Hinkebein pled guilty to the Class A Misdemeanor of Driving with BAC Exceeding .10% in violation of § 577.012, in *State v. Michael E. Hinkebein*, Wright Co. Cir. Ct., Case No. CR690-175M, for events that occurred on January 24, 1989.
- c. On December 8, 1998, Hinkebein pled guilty to the Class B Misdemeanor of DWI in violation of § 577.010.1, in *State v. Michael E. Hinkebein*, St. Francois Co. Cir. Ct., Case No. CR798-1989M, for events that took place on July 10, 1998.

11. On June 6, 2022, the Director issued her Order Refusing to Issue a Resident Insurance Producer License to Hinkebein.

12. On September 25, 2023, the Department received Hinkebein's electronic

application for a resident insurance producer license (“2023 Application”).

13. Hinkebein answered Background Question No. 1B “Yes” and disclosed the same criminal history that he reported on his 2020 Application.

14. Background Question No. 2 on the 2023 Application asks, in pertinent part:

Have you ever been named or involved as a party in an administrative proceeding, including FINRA sanction or arbitration proceeding regarding any professional or occupational license or registration?

15. Hinkebein answered “No” to Background Question No. 2 on his 2023 Application.

16. Hinkebein understands and agrees that pursuant to § 375.141.1(1), the Director may refuse to issue Hinkebein a resident insurance producer license because he intentionally provided materially incorrect or untrue information on his 2023 Application when he failed to disclose that on June 6, 2022, the Director refused to issue him a resident insurance producer license.

17. Hinkebein understands and agrees that pursuant to § 375.141.1(6), the Director may refuse to issue Hinkebein a resident insurance producer license because he has been convicted of two felonies.

18. Hinkebein and the Department desire to settle the allegations raised by the Division.

19. Hinkebein acknowledges and understands that he has the right to consult an attorney regarding these matters.

20. Hinkebein stipulates and agrees to waive any rights that he may have to a hearing before the Missouri Administrative Hearing Commission or the Director and any rights to seek judicial review or to otherwise challenge or contest the terms and conditions of this Consent Order and forever releases and holds harmless the Department, the Director, her agents, and the Division from all liability and claims arising out of, pertaining to, or relating to this matter.

21. Hinkebein acknowledges and understands that this Consent Order is an administrative action and will be reported by the Department to other jurisdictions. Hinkebein further acknowledges and understands that this administrative action should be disclosed on future license applications and any renewal applications he submits in this state and in other jurisdictions, and that it is his responsibility to comply with the reporting requirements of each jurisdiction in which he may be licensed.

22. All signatories to this Consent Order certify by signing that they are fully authorized, in their own capacities, or by the named parties they represent, to accept the terms and provisions of this Consent Order in their entirety, and agree, in their personal or representative capacities, to be bound by the terms of this Consent Order.

CONCLUSIONS OF LAW

23. Section 375.141.1 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:

(1) Intentionally providing materially incorrect, misleading, incomplete or untrue information in the license application; [or]

(6) Having been convicted of a felony or crime involving moral turpitude[.]

24. The facts in the Findings of Fact set out above constitute cause to refuse to issue a resident insurance producer license to Hinkebein pursuant to § 375.141.1(1) and (6).

25. The Director is authorized to settle this matter and issue this Consent Order in the public interest pursuant to §§ 374.046, 536.060, and 621.045.

26. The terms set forth in this Consent Order are an appropriate disposition of this matter, and issuance of this Consent Order is in the public interest.

ORDER

IT IS THEREFORE ORDERED that the Department will issue a resident individual insurance producer license to Hinkebein, subject to the conditions set forth herein:

27. Hinkebein shall respond to all written inquiries and consumer complaints forwarded or otherwise communicated to him by the Department within five (5) business days of Hinkebein's receipt.

28. If Hinkebein receives a written complaint that is not communicated to him by the Department, Hinkebein shall send a copy of the written complaint and Hinkebein's response to said complaint to the Department within five (5) business days of Hinkebein's receipt.

29. Hinkebein shall report to the Department any violation of or failure to comply with the laws set forth in Chapters 374 or 375 within five (5) business days that Hinkebein knows of such violation or failure to comply.

30. Hinkebein shall report to the Department any administrative action taken against Hinkebein in another jurisdiction or by another governmental agency in this state within five (5) business days after he receives notification of the initiation of such administrative action.

31. Hinkebein shall report to the Department any probation violation, probation revocation, arrest, citation, guilty plea, *nolo contendere* plea, finding of guilt or conviction concerning a felony or misdemeanor within five (5) business days of such occurrence.

32. The special conditions listed in paragraphs 27 through 31 will expire upon the expiration, lapse, termination, revocation, or renewal of Hinkebein's insurance producer license, whichever comes first.

IT IS FURTHER ORDERED that for two (2) years subsequent to the date of this executed Consent Order, Hinkebein will voluntarily surrender his license to the Department within thirty (30) days of Hinkebein's entry of a guilty plea, *nolo contendere* plea, or finding of guilty or

conviction for a felony, regardless of whether sentence is imposed, suspended, or executed.

IT IS FURTHER ORDERED that if Hinkebein maintains his resident insurance producer license beyond the term of this Consent Order and complies with the terms of this Consent Order, Hinkebein may apply to renew his license, and the Director shall consider the renewal application in accordance with the provisions of Chapters 374 and 375 and without regard to his criminal history or his failure to disclose as set out above in paragraphs 5 through 15.

IT IS FINALLY ORDERED that the Director may pursue additional legal remedies, as determined appropriate by the Director, and without limitation, as authorized by Chapters 374 and 375, including remedies for violation of, or failure to comply with, the terms of this Consent Order.

SO ORDERED, SIGNED AND OFFICIAL SEAL AFFIXED THIS 05th DAY OF January, 2024.



Chlora Lindley-Myers
CHLORA LINDLEY-MYERS, Director
Missouri Department of Commerce and
Insurance

CONSENT AND WAIVER OF HEARING

The undersigned persons understand and acknowledge that Michael E. Hinkebein may have the right to a hearing, but that Michael E. Hinkebein has waived the hearing and agreed to the issuance of this Consent Order.

Michael E. Hinkebein
Michael E. Hinkebein
9998 State Route AA
Farmington, Missouri 63640

11/28/2023
Date

~~Counsel for Michael E. Hinkebein
Bar No.
[Address]
[Telephone and facsimile numbers]
[Email address]~~ ~~Date~~

Shelley A. Woods
Shelley A. Woods
Counsel for Consumer Affairs Division,
Missouri Bar No. 33525
Department of Commerce and Insurance
301 West High Street, Room 530
Jefferson City, Missouri 65101
Telephone: (573) 522-0374
Facsimile: (573) 526-5492
Shelley.Woods@insurance.mo.gov

January 4, 2024
Date