



DEPARTMENT OF COMMERCE AND INSURANCE

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

IN RE:)	
)	
MICHAEL E. HINKEBEIN,)	Case No. 2101290162C
)	
Applicant.)	

ORDER REFUSING TO ISSUE
A RESIDENT INSURANCE PRODUCER LICENSE

CHLORA LINDLEY-MYERS, Director of the Missouri Department of Commerce and Insurance, takes up this matter for consideration and disposition. After reviewing the Petition, the Investigative Report, and other relevant documents, the Director issues these findings of fact, conclusions of law, and order:

FINDINGS OF FACT

1. Michael E. Hinkebein (“Hinkebein”) is a Missouri resident, whose reported home, business, and mailing address is 9998 State Route AA, Farmington, Missouri 63640.
2. On July 8, 2020, the Department received Hinkebein’s electronic application for a resident insurance producer license (“Application”).
3. Background Information Question 1B of the 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?
4. Hinkebein answered “Yes” to Question 1B on his Application.

5. Hinkebein submitted information about two felony driving while intoxicated (“DWI”) convictions, one based on an incident that occurred in 2012, and another in 2016:
 - a. Hinkebein pled guilty to the Class C Felony of DWI – Aggravated Offender, in violation of § 577.010¹ 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 5 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 on January 31, 2017 started 5 years of supervised probation. *Id.* On December 14, 2019, the Board of Probation and Parole, Missouri Department of Corrections discharged Hinkebein from supervision. *Id.*
 - b. 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 information and belief, on March 2, 2020, the Board of Probation and Parole, Missouri Department of Corrections released Hinkebein on parole. Hinkebein will remain on parole until January 2, 2023.
6. Hinkebein also submitted information showing three misdemeanor DWI convictions:
 - 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,

¹ 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.

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.

CONCLUSIONS OF LAW

7. Pursuant to § 375.141.1:²

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 Director may refuse to issue an insurance producer license to Hinkebein under § 375.141.1(6), because Hinkebein was convicted of two felony DWIs; *State v. Michael E. Hinkebein*, Jefferson Co. Cir. Ct., Case No. 12 JE-CR04502-01 and *State v. Michael E. Hinkebein*, St. Francois Co. Cir. Ct., Case No. 16SF-CR00912-01.
9. Each felony conviction is a separate and sufficient ground for the Director to refuse Hinkebein an insurance producer license pursuant to § 375.141.1(6).
10. “Moral turpitude has been defined as an act of baseness, vileness, or depravity in the private and social duties which a man owes to his fellowman or to society in general, contrary to the accepted and customary rule of right and duty between man and man; everything done contrary to justice, honesty, modesty, and good morals.” *Brehe v. Missouri Dept. of Elementary and Secondary Educ.*, 213 S.W.3d 720, 725 (Mo. App. W.D. 2007) (internal citations omitted). A crime of moral turpitude reflects “adversely on...honesty and trustworthiness and undermines public confidence[.]” *Id.*, at 726. *Brehe* identifies three categories of crimes involving moral turpitude: Category One crimes that necessarily involve moral turpitude; Category Two crimes “so obviously petty” that they do not involve moral turpitude; and Category Three crimes that “may be saturated with moral turpitude,” but are dependent on the facts of the crime. *Id.*, at 725.

² All civil statutory references are to the Revised Statutes of Missouri (2016) unless otherwise indicated.

11. The Director may refuse to issue an insurance producer license to Hinkebein under § 375.141.1(6) because Hinkebein was convicted of crimes involving moral turpitude – five DWIs – more than sufficient to constitute Category Three crimes due to the fact that Hinkebein is a repeat offender: *State v. Michael Edward Hinkebein*, Nodaway Co. Cir. Ct., Case No. CR888-489M, *State v. Michael E. Hinkebein*, Wright Co. Cir. Ct., Case No. CR690-175M, *State v. Michael E. Hinkebein*, St. Francois Co. Cir. Ct., Case No. CR798-1989M, *State v. Michael E. Hinkebein*, Jefferson Co. Cir. Ct., Case No. 12 JE-CR04502-01 and *State v. Michael E. Hinkebein*, St. Francois Co. Cir. Ct., Case No. 16SF-CR00912-01. Repeat offenders place the public at risk by their actions.
12. Repeated alcohol-related driving convictions can be sufficient to establish Category Three crimes involving moral turpitude. *Missouri Real Estate Commission v. Simpson*, No. 00-0474 RE (Mo. Admin Hrg. Comm’n Oct 5, 2000) (five DWI convictions); *Gabriel Monroe v. Office of Tattooing, Body Piercing and Branding*, No. 09-0927 TP (Mo. Admin Hrg. Comm’n June 3, 2010) (two DWI convictions).
13. Each crime of moral turpitude is a separate and sufficient ground for the Director to refuse to issue an insurance producer license to Hinkebein under § 375.141.1(6).
14. The Director has considered Hinkebein’s history and all of the circumstances surrounding Hinkebein’s Application. Issuing an insurance producer license to Hinkebein would not be in the public interest. Accordingly, the Director exercises her discretion to refuse to issue Hinkebein an insurance producer license.
15. This Order is in the public interest.

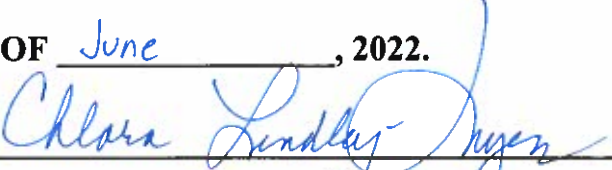
ORDER

IT IS THEREFORE ORDERED that the insurance producer license Application of **Michael E. Hinkebein** is hereby **REFUSED**.

SO ORDERED.

WITNESS MY HAND THIS 06th **DAY OF** June, 2022.




CHLORA LINDLEY-MYERS
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.


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CERTIFICATE OF SERVICE

I hereby certify that on this 7th day of June, 2022, a copy of the foregoing Order and Notice was served upon the Applicant in this matter by UPS, signature required, at the following address:

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

Tracking No. 1Z0R15W84299520472



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