



**FINAL ORDER**  
**EFFECTIVE**  
**2-19-2018**

**State of Missouri**

**DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND  
PROFESSIONAL REGISTRATION**

**IN RE:**

**MICHAEL WIPFLER,**

**Applicant.**

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**Case No. 170428263C**

**ORDER REFUSING TO ISSUE INSURANCE PRODUCER LICENSE**

On December 21, 2017, the Consumer Affairs Division (“Division”) submitted a Petition to the Director alleging cause for refusing to issue an insurance producer license to Michael A. Wipfler. 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:

**FACTUAL BACKGROUND**

1. Michael A. Wipfler (“Wipfler”) is a Missouri resident with a business, residential, and mailing address of 67 Matt Joyce Court, Warrenton, Missouri 63383.
2. The Department of Insurance, Financial Institutions and Professional Registration (“Department”) received Wipfler’s electronic application for an individual resident insurance producer license (“Application”) on February 22, 2017.
3. The “Attestation” section of the Application, states, in relevant part:

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. Wipfler accepted the “Attestation” section of the Application.
5. Background Question No. 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? You may exclude juvenile adjudications (offenses where you were adjudicated delinquent in a juvenile court).

6. Wipfler marked "Yes" to Background Question No. 1B on his Application and provided a letter and documentation related to the following convictions:

- a. On November 3, 2006, Wipfler pled guilty to two counts of Distributing a Controlled Substance, each a Class B Felony, in violation of § 195.211, RSMo.<sup>1</sup> *State v. Michael A. Wipfler*, St. Charles Co. Cir. Ct., Case No. 0611-CR03474. The court suspended imposition of sentence and placed Wipfler on supervised probation for five (5) years. *Id.* On September 15, 2011, Wipfler's probation was revoked and the court suspended execution of a ten (10) year sentence of incarceration, ordered Wipfler to serve 120 days' incarceration, and placed Wipfler on five (5) years' supervised probation after his release. *Id.*
- b. On September 15, 2011, Wipfler was convicted of Stealing: Physically Taking Property Appropriated from the Victim, a Class C Felony, in violation of § 570.030. *State v. Michael Anthony Wipfler*, St. Charles Co. Cir. Ct., Case No. 1111-CR02438-01.
- c. On September 15, 2011, Wipfler was convicted of Possession of a Controlled Substance, a Class C Felony, in violation of § 195.202. *State v. Michael Anthony Wipfler*, St. Charles Co. Cir. Ct., Case No. 1111-CR02322-01. The court sentenced Wipfler to seven (7) years' incarceration for Possession of a Controlled Substance and four (4) years' incarceration for Stealing: Physically Taking Property Appropriated from the Victim, all to be served concurrently with his ten (10) year sentence in *State v. Michael A. Wipfler*, St. Charles Co. Cir. Ct., Case No. 0611-CR03474. *State v. Michael Anthony Wipfler*, St. Charles Co. Cir. Ct., Case No. 1111-CR02322-01 and *State v. Michael Anthony Wipfler*, St. Charles Co. Cir. Ct., Case No. 1111-CR02438-01. On January 3, 2012, Wipfler was released from incarceration.

7. Background Question No. 1A of the Application asks:

Have you ever been convicted of a misdemeanor, had a judgment withheld or deferred, or are you currently charged with committing a misdemeanor? You may exclude the following misdemeanor convictions or pending misdemeanor charges: traffic citations, driving under the influence (DUI), driving while intoxicated (DWI), driving without a license, reckless driving, or driving with a suspended or revoked license. You may also exclude juvenile adjudications (offenses where you were adjudicated delinquent in a juvenile court).

8. Wipfler marked "No" to Background Question No. 1A.

9. On May 18, 2006, Wipfler was convicted of Purchase/Attempt to Purchase or Possession of Liquor by Minor – 1<sup>st</sup> Offense, an unclassified Misdemeanor, in violation of

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<sup>1</sup> All references to criminal statutes are to those contained in the version of the Missouri Revised Statutes in effect at the time the offenses were committed.

§ 311.325. The court imposed a fine in the amount of \$250.00. *State v. Michael Wipfler*, Franklin Co. Cir. Ct., Case No. 05E5-CR01296.

### CONCLUSIONS OF LAW

10. Section 375.141, RSMo (2016)<sup>2</sup> 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; [or]
    - \* \* \*
    - (6) Having been convicted of a felony or crime involving moral turpitude[.]
  11. “‘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. Mo. Dep’t of Elem. & Secondary Educ.*, 213 S.W.3d 720, 725 (Mo. App. W.D. 2007), citing *In re Frick*, 694 S.W.2d 473, 479 (Mo. banc 1985), quoting *In re Wallace*, 19 S.W.2d 625 (Mo. banc 1929). “Missouri courts have invariably found moral turpitude in the violation of narcotic laws, for example.” *Id.*
  12. The Director may refuse to issue an individual resident insurance producer license to Wipfler pursuant to § 375.141.1(1) because he intentionally provided materially incorrect, misleading, incomplete or untrue information in his Application when Wipfler did not disclose his misdemeanor conviction in response to Background Question No. 1A.
  13. The Director may refuse to issue an individual resident insurance producer license to Wipfler pursuant to § 375.141.1(6) because he has been convicted of three felonies.
  14. The Director may refuse to issue an individual resident insurance producer license to Wipfler pursuant to § 375.141.1(6) because on September 15, 2011, Wipfler was convicted of crimes involving moral turpitude; namely:
    - a. Distributing a Controlled Substance, a Class B Felony, in violation of § 195.211. *State v. Michael A. Wipfler*, St. Charles Co. Cir. Ct., Case No. 0611-CR03474;
    - b. Stealing: Physically Taking Property Appropriated from the Victim, a Class C Felony, in violation of § 570.030. *State v. Michael Anthony Wipfler*, St. Charles Co.

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<sup>2</sup> All civil statutory references are to the Revised Statutes of Missouri (2016).

Cir. Ct., Case No. 1111-CR02438-01; and

- c. Possession of a Controlled Substance, a Class C Felony, in violation of § 195.202. *State v. Michael Anthony Wipfler*, St. Charles Co. Cir. Ct., Case No. 1111-CR02322-01.
15. Each conviction for a felony or a crime involving moral turpitude is a separate and sufficient ground for the Director to refuse to issue an individual resident insurance producer license to Wipfler.
16. Wipfler's felony convictions and his misleading assertion regarding his misdemeanor conviction demonstrate that issuing Wipfler an insurance producer license would not be in the public interest.
17. The Director has considered Wipfler's history and all of the circumstances surrounding Wipfler's Application. Granting Wipfler an insurance producer license would not be in the interest of the public. Accordingly, the Director exercises her discretion to refuse to issue an insurance producer license to Wipfler.
18. This order is in the public interest.

**ORDER**

**IT IS THEREFORE ORDERED** that the application for an individual resident insurance producer license of Michael A. Wipfler is hereby **REFUSED**.

**SO ORDERED.**

WITNESS MY HAND THIS 10<sup>th</sup> DAY OF JANUARY, 2018.



*Chlora Lindley Myers*  
**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 January 11, 2018 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 A. Wipfler  
67 Matt Joyce Court  
Warrenton, Missouri 63383

Tracking No. 1Z0R15W84297787911

  
Kathryn Latimer  
Kathryn Latimer, Paralegal  
Missouri Department of Insurance, Financial  
Institutions and Professional Registration  
301 West High Street, Room 530  
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Facsimile: 573.526.5492  
Email: [kathryn.latimer@insurance.mo.gov](mailto:kathryn.latimer@insurance.mo.gov)

**CERTIFICATE OF SERVICE**

I hereby certify that on January 16, 2018 a copy of the foregoing Order and Notice was served upon the Applicant in this matter by USPS, certified mail, at the following address:

Michael A. Wipfler  
67 Matt Joyce Court  
Warrenton, Missouri 63383

Certified No. 7016 0340 0001 1319 8484



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