



DEPARTMENT OF COMMERCE AND INSURANCE

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

IN RE:)
)
BLAKE GENE LAUBINGER,) Case No. 2301130084C
)
Applicant.)

**ORDER REFUSING TO ISSUE A
RESIDENT INSURANCE PRODUCER LICENSE**

CHLORA LINDLEY-MYERS, Director of the Missouri Department of Commerce and Insurance (“Department”), takes up the above matter for consideration and disposition. 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. Blake Gene Laubinger (“Laubinger”) is a Missouri resident, whose residential, business, and mailing address is 410 Cypress Drive, Pacific, MO, 63069.
2. On or about December 1, 2022, the Department received Laubinger’s application for a resident insurance producer license (“Application”).
3. Background Question Number 1B of the Application asks, 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. Laubinger answered “Yes” to Background Question Number 1B regarding felonies on his Application.

5. Laubinger provided the Department with documentation regarding his criminal history, as follows:

On December 14, 2016, Laubinger was charged in the United States District Court of the Eastern District of Missouri with Count I: Conspiracy to Kidnap and Count II: Possessing and Brandishing a Firearm in Furtherance of a Crime of Violence,¹ for events that took place on November 21 through November 23, 2016. *USA v. Blake Laubinger*, Case No. 4:16CR528 AGF/PLC (E.D. Mo. 2016). Laubinger, along with his four co-defendants, kidnapped Ellis Athanas (“Athanas”), confined him with duct tape, zip ties, and handcuffs, and held him in the basement of Laubinger’s residence, as well as in a shipping container. *Id.* During that time, Laubinger repeatedly beat and tased Athanas and threatened his life. *Id.* He accused Athanas of stealing money from him and planned to obtain the keys and titles to Athanas’ vehicles. *Id.* Laubinger made ransom calls to Athanas’ parents and collected a ransom of approximately \$27,000 from them. *Id.* Upon releasing Athanas, Laubinger threatened his life if he said anything to anyone. *Id.* On November 3, 2017, Laubinger pled guilty to Conspiracy to Kidnap, in violation of 18 U.S.C. § 1201(a)² and 18 U.S.C. § 1201(c). *Id.* Laubinger was sentenced to imprisonment in the Federal Bureau of Prisons for a total term of 66 months, with a supervision period of five years upon his release. *Id.* He was ordered to pay restitution in the amount of \$50,802.30.³ *Id.*

6. Laubinger has been released from prison and is currently on probation.

CONCLUSIONS OF LAW

7. Section 375.141.1, RSMo (2016)⁴ states, 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[.]

8. The Director may refuse to issue a license to Laubinger under § 375.141.1(6)

¹ Count II was later dismissed.

² All criminal statutory references are to those in effect at the time Laubinger committed the offense.

³ Laubinger has paid the court-ordered restitution in full.

⁴ All civil statutory references are to the Revised Statutes of Missouri (2016) unless otherwise indicated.

because Laubinger has, by his own admission, been convicted upon a plea of guilty to the felony of Conspiracy to Kidnap in the United States District Court of the Eastern District of Missouri. *USA v. Blake Laubinger*, Case No. 4:16CR528 AGF/PLC (E.D. Mo. 2016).

9. The Director may refuse to issue a license to Laubinger under § 375.141.1(6) because he has been convicted of a crime of moral turpitude. Specifically, along with his co-conspirators, Laubinger kidnapped Athanas for a period of three days, during which time he restrained Athanas and kept him in his basement and a shipping container, beat and tased Athanas, repeatedly made threats against Athanas' life, plotted to obtain the keys and titles to Athanas' vehicles, made ransom calls to Athanas' parents, and collected a ransom from Athanas' parents, resulting in his conviction for Conspiracy to Kidnap in the United States District Court of the Eastern District of Missouri. *Id.*
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. 2007) (internal citations omitted). A crime of moral turpitude reflects "adversely on...honesty and trustworthiness and undermines public confidence[.]" *Id.* at 726.
11. There are three categories of crimes of 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." *Id.* at 725.
12. The crime of false imprisonment, which is akin to kidnapping, is a Category One crime of moral turpitude when it places a person in a situation that could cause them harm and bodily injury. *Dir. Of Dept. of Public Safety v. Ringhofer*, No. 08-0670 PO (Mo. Admin. Hrg. Comm'n Nov. 18, 2018).
13. Even if Conspiracy to Kidnap is not a Category One crime, it at least is a Category Three crime of moral turpitude under the facts outlined above.
14. The above-described instances are grounds upon which the Director may refuse to issue Laubinger's resident insurance producer license.
15. The Director has considered Laubinger's history and all of the circumstances surrounding Laubinger's Application. Issuing Laubinger a resident insurance producer license would not be in the interest of the public. Accordingly, the Director

exercises her discretion to refuse to issue Laubinger's resident insurance producer license.

16. The requested order is in the public interest.

ORDER

IT IS THEREFORE ORDERED that the resident insurance producer license Application of **BLAKE GENE LAUBINGER** is hereby **REFUSED**.

SO ORDERED.

WITNESS MY HAND THIS 03rd DAY OF April, 2023.



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 this 4th day of April, 2023, a copy of the foregoing Order and Notice was served upon the Applicant in this matter by UPS, signature required, at the following address:

Blake Gene Laubinger
410 Cypress Drive
Pacific, MO 63069

Tracking No. 1Z0R15W84290447265



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