



FINAL ORDER
EFFECTIVE
04-23-2017

State of Missouri

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

IN RE:

HAROLD EARL LAMPLEY JR.,

Renewal Applicant.

)
)
)
)
)

Case No. 161116492C

ORDER REFUSING TO RENEW
BAIL BOND AGENT LICENSE

On November 28, 2016, the Consumer Affairs Division ("Division") submitted a Petition to the Director alleging cause for refusing to renew Harold Earl Lampley Jr.'s bail bond agent license. 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. Harold Earl Lampley Jr. ("Lampley") is a Missouri resident with a residential address of 1705 Westway Drive, West Plains, Missouri 65775, a business address of 1440 West 8th Street, West Plains, Missouri 65775, and a mailing address of 1404 Southern Hills Shopping Center, West Plains, Missouri 65775.
2. The Director of the Department of Insurance, Financial Institutions and Professional Registration (the "Director" of the "Department") first issued Lampley a bail bond agent license (License #8275027) on November 29, 2012. That license is set to expire on November 29, 2016.
3. On or about August 5, 2016, Lampley contacted a Special Investigator for the Consumer Affairs Division ("Division") for the Department. During their conversation Lampley told the Special Investigator for the Division that Lampley was an investigator with Child Support Enforcement.
4. On August 9, 2016, the Special Investigator for the Division sent Lampley an inquiry letter requesting information regarding his employment with Child Support Enforcement, a part of the Family Support Division of the Missouri Department of Social Services and requested a response within twenty days pursuant to 20 CSR 100-4.100(2)(A).
5. On August 23, 2016, Lampley responded to the Division's inquiry letter and explained that:

I first received my bail bond license around November 2012 and began

working for the Child Support Enforcement in May of 2013[.]

6. On October 24, 2016, the Department received a "Missouri Uniform Renewal Application for Bail Bond or Surety Recovery License" ("Renewal Application") from Lampley.
7. "Part V – General Instructions" of the Renewal Application sets forth the "Instructions Applicable to All Renewal Applicants." Part V of the Renewal Application also contains a section captioned "Bail Bond Agent Applicants," and indicates that "[a]n applicant must comply with the qualifications established by Supreme Court Rule 33.17."
8. Pursuant to a subpoena, Lampley appeared before the Director's appointed agent on November 16, 2016. Lampley testified under oath that he worked for the Department of Social Services, Child Support Enforcement.
9. Lampley began working as a child support enforcement specialist for the Department of Social Services on May 13, 2013.
10. Lampley is currently employed as a child support enforcement specialist for the Department of Social Services.
11. The Department of Social Services is state agency created pursuant to § 660.010 RSMo (Non Cum Supp 2014). *See also* Mo. Const. Art IV, § 37.
12. The Family Support Division is a department within the Department of Social Services that administers the state's plan for child support enforcement. § 454.400 RSMo (Non Cum Supp 2014).

CONCLUSIONS OF LAW

13. Section 374.710 RSMo provides, in relevant part:
 1. Except as otherwise provided in sections 374.695 to 374.775, no person or other entity shall practice as a bail bond agent or general bail bond agent, as defined in section 374.700, in Missouri unless and until the department has issued to him or her a license, to be renewed every two years as hereinafter provided, to practice as a bail bond agent or general bail bond agent.
- * * *
4. Upon completion of said basic training or biennial continuing education and the licensee meeting the other requirements as provided under sections 374.695 to 374.789, the director shall issue a two-year license for the bail bond agent or general bail bond agent for a fee not to exceed one hundred fifty dollars.

14. Section 374.715.1 provides, in relevant part:

Applications for examination and licensure as a bail bond agent or general bail bond agent shall be in writing and on forms prescribed and furnished by the department, and shall contain such information as the department requires. Each application shall be accompanied by proof satisfactory to the department that the applicant is a citizen of the United States, is at least twenty-one years of age, has a high school diploma or general education development certificate (GED), is of good moral character, and meets the qualifications for surety on bail bonds as provided by supreme court rule[.]

(Emphasis added.)

15. Section 374.730 RSMo provides, in relevant part:

All licenses issued to bail bond agents and general bail bond agents under the provisions of sections 374.700 to 374.775 shall be renewed biennially, which renewal shall be in the form and manner prescribed by the department and shall be accompanied by the renewal fee set by the department.

16. Section 374.750 RSMo (2000) provides:

The department may refuse to issue or renew any license required pursuant to sections 374.700 to 374.775 for any one or any combination of causes stated in section 374.755. The department shall notify the applicant in writing of the reasons for the refusal and shall advise the applicant of his right to file a complaint with the administrative hearing commission as provided by chapter 621.

17. Section 374.763 RSMo provides, in relevant part:

3. All duly licensed and qualified bail bond agents and general bail bond agents shall be qualified, without further requirement, to write bail upon a surety's liability in all courts of this state as provided in rules promulgated by the supreme court of Missouri and not by any circuit court rule.

18. Missouri Supreme Court Rule 33.17, regarding "Misdemeanors or Felonies – Bonds – Surety, Individual – Qualifications" provides, in relevant part:

A person shall not be accepted as a surety on any bail bond unless the person:

* * *

(e) Is not an elected or appointed official or employee of the State of Missouri or any county or other political subdivision thereof, except that this disqualification shall not apply if the principal is the spouse, child or family member of the surety[.]

19. Lampley is disqualified for licensure as a bail bond agent because he fails to meet the qualifications as a surety as set forth in Missouri Supreme Court Rule 33.17(e). By his own admission, Lampley is an employee of the State of Missouri.
20. Because Lampley fails to meet the qualifications as a surety as set forth in Missouri Supreme Court Rule 33.17(e), as required by § 374.715.1 RSMo, the Director has no discretion and therefore must refuse to renew Lampley's bail bond agent license.
21. This Order is in accordance with the law and in the public interest.

ORDER

IT IS THEREFORE ORDERED that the bail bond agent license renewal application of **Harold Earl Lampley Jr.** is hereby **REFUSED**.

SO ORDERED.

WITNESS MY HAND THIS 29th DAY OF NOVEMBER, 2016.



JOHN M. HUFF
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.

[Remainder of page intentionally left blank.]

CERTIFICATE OF SERVICE

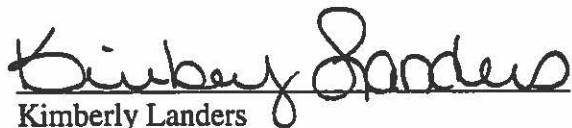
I hereby certify that on this 29th day of November, 2016, a copy of the foregoing Order and Notice was served upon Harold Earl Lampley Jr. in this matter by United Parcel Service, signature required, at the following addresses:

Harold Earl Lampley Jr.
1705 Westway Drive
West Plains, Missouri 65775

Tracking No. 1Z0R15W84293958921

Harold Earl Lampley Jr.
1404 Southern Hills Shopping Center
P. O. Box 302
West Plains, Missouri 65775

Tracking No. 1Z0R15W84292217134



Kimberly Landers

Paralegal


Missouri Department of Insurance, Financial
Institutions and Professional Registration
301 West High Street, Room 530
Jefferson City, Missouri 65101
Telephone: 573.751.2619

CERTIFICATE OF SERVICE

I hereby certify that on this 14th day of December, 2016, a copy of the foregoing Order and Notice was served upon Harold Earl Lampley Jr. in this matter by USPS, certified mail, at the following address:

Harold Earl Lampley Jr.
1705 Westway Drive
West Plains, Missouri 65775


Certified No. 7013 2250 0000 4609 6555


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

CERTIFICATE OF SERVICE

I hereby certify that on this 22nd day of December, 2016, a copy of the foregoing Order and Notice was served upon Harold Earl Lampley Jr. in this matter by USPS, first class mail, at the following address:

Harold Earl Lampley Jr.
1705 Westway Drive
West Plains, Missouri 65775


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