

State of Missouri
DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND
PROFESSIONAL REGISTRATION

IN RE:

JERRY LENNELL ROBY,

Applicant.

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Case No. 160330197C

ORDER REFUSING TO ISSUE BAIL BOND AGENT LICENSE

On September 6, 2016, the Consumer Affairs Division submitted a Petition to the Director alleging cause for refusing to issue a bail bond agent license to Jerry Lennell Roby. After reviewing the Petition, 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. Jerry Lennell Roby ("Roby") is a Missouri resident with a residential address of 2216 East 74th Street, Kansas City, Missouri 64132.
2. On January 6, 2016, the Department received Roby's Missouri Uniform Application for Bail Bond or Surety Recovery License ("Application").
3. Roby answered "Yes" to Background Question B. of the Application which asks, in relevant part:

Have you ever been adjudicated, convicted, pled or found guilty of any misdemeanor or felony or currently have pending misdemeanor or felony charges filed against you? Applicants are required to report all criminal cases whether or not a sentence has been imposed, a suspended imposition of sentence has been entered or the applicant has pled nolo contendere (no contest).

If YES, provide a full, written explanation on a separate sheet of paper including the name and address of court, basis of charge, outcome, and whether you received an executive pardon. Also, attach certified court documents of the information or Indictment

and the Final Adjudication.

4. Roby attached documentation to his Application which evidences that:
 - a. On April 16, 1996, Roby was found guilty of Possession of a Controlled Substance, a Class C Felony, in violation of § 195.202 RSMo,¹ and Unlawful Use of a Weapon, a Class D Felony, in violation of § 571.030 RSMo. *State v. Jerry L. Roby*, Jackson Co. Cir. Ct., Case No. CR95-3176. On August 22, 1996, the court suspended execution of a four (4) year sentence of incarceration for the Possession of a Controlled Substance charge and a one (1) year sentence of incarceration for the Unlawful Use of a Weapon charge. The court ordered Roby to complete five (5) years' supervised probation. *Id.*
 - b. On February 9, 2005, Roby pled guilty to two (2) counts of Possession of a Controlled Substance, a Class C Felony, in violation of § 195.202 RSMo; the court suspended execution of a three (3) year sentence of incarceration and ordered Roby to complete three (3) years' supervised probation. *State v. Jerry L. Roby*, Jackson Co. Cir. Ct., Case No. 16CR03005587-01.
5. In a letter attached to Roby's application, he explained verbatim, in relevant part:

I was arrested three times on drug charges...The second time was August 10 1995. I was in possession of crack cocoin and had a gun with me. I took responsibility and pled guilty. The third time was September 4, 2003. I was in possession of poweder cocoin and marijuana. Again I took responsibility for my actions and pled guilty. But this time I realized I needed to change my behavior. Since September 4, 2003 I have completely stopped using or having anything to do with illegal drugs[.]

CONCLUSIONS OF LAW

6. Section 374.715.1 RSMo (Supp. 2013)² 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

¹ All criminal statutory references are to those contained in the version of the Revised Statutes of Missouri pursuant to which the court rendered judgment.

² All civil statutory references are to the Missouri Revised Statutes (2000), as updated by the 2013 RSMo Supplement, unless otherwise noted.

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[.]

7. Section 374.750 provides, in relevant part:

The department may refuse to issue or renew any license required pursuant to sections 374.700 to 374.775³ for any one or any combination of causes stated in section 374.755[.]

8. In turn, § 374.755.1 provides, in relevant part:

The department may cause a complaint to be filed with the administrative hearing commission as provided by chapter 621 against any holder of any license required by sections 374.695 to 374.775 or any person who has failed to renew or has surrendered his or her license for any one or any combination of the following causes:

* * *

(2) Final adjudication or a plea of guilty or nolo contendere within the past fifteen years in a criminal prosecution under any state or federal law for a felony or a crime involving moral turpitude whether or not a sentence is imposed, prior to issuance of license date; [or]

* * *

(6) Violation of any provision of or any obligation imposed by the laws of this state, department of insurance, financial institutions and professional registration rules and regulations, or aiding or abetting other persons to violate such laws, orders, rules or regulations, or subpoenas[.]

³ Within Missouri's Professional Bail Bondsman and Surety Recovery Agent Licensure Act. See § 374.695.

9. Missouri Supreme Court Rule 33.17 provides, in relevant part:

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

* * *

(c) Has not, within the past 15 years, been found guilty or pleaded guilty or nolo contendere to:

(1) Any felony of this state, any other state, or the United States[.]

10. "A plea of guilty voluntarily and understandingly made ... admits all of the facts charged[.]" *Robinson v. State*, 491 S.W.2d 314, 315 (Mo. banc 1973).
11. By pleading guilty to two (2) counts of Possession of a Controlled Substance, a Class C Felony, in violation of § 195.202 RSMo, within the last fifteen (15) years, Roby is disqualified for bail bond agent licensure because he fails to meet the qualifications for sureties as set forth in Mo.S.Ct.R. 33.17(c). *State v. Jerry L. Roby*, Jackson Co. Cir. Ct., Case No. 16CR03005587-01. The Director has no discretion when a person does not meet the minimum qualifications of a bail bond agent, and therefore must refuse to issue Roby a bail bond agent license.
12. The Director may refuse to issue Roby a bail bond agent license pursuant to § 374.755.1(2) because he pled guilty within the past fifteen (15) years in a criminal prosecution under state law for a felony, specifically two (2) counts of Possession of a Controlled Substance. *State v. Jerry L. Roby*, Jackson Co. Cir. Ct., Case No. 16CR03005587-01.
13. The Director may refuse to issue Roby a bail bond agent license pursuant to § 374.755.1(2) because he pled guilty within the past fifteen (15) years in a criminal prosecution under state law for a crime involving moral turpitude, specifically two (2) counts of Possession of a Controlled Substance. *State v. Jerry L. Roby*, Jackson Co. Cir. Ct., Case No. 16CR03005587-01.
14. The Director may refuse to issue Roby a bail bond agent license pursuant to § 374.755.1(6) because he violated a law of this state, specifically § 195.202 RSMo, three (3) times. *State v. Jerry L. Roby*, Jackson Co. Cir. Ct., Case No. 16CR03005587-01, and *State v. Jerry L. Roby*, Jackson Co. Cir. Ct., Case No. CR95-3176.

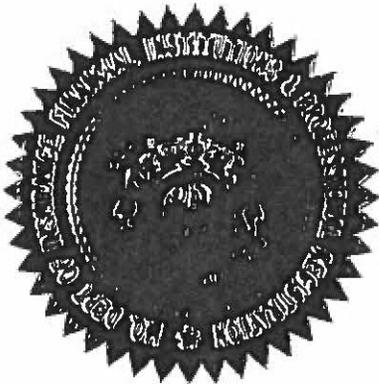
15. The Director may refuse to issue Roby a bail bond agent license pursuant to § 374.755.1(6) because he violated a law of this state, specifically § 571.030 RSMo. *State v. Jerry L. Roby*, Jackson Co. Cir. Ct., Case No. CR95-3176.
16. Each violation of a law of this state constitutes a separate and sufficient cause for the Director to refuse to issue Roby a bail bond agent license pursuant to § 374.755.1(6).
17. Pursuant to Mo.S.Ct.R. 33.17(c), Roby is disqualified for a bail bond agent license therefore the Director has no discretion and must refuse to issue Roby a bail bond agent license. Additionally, the Director has considered Roby's history and all of the circumstances surrounding Roby's Application. Accordingly, the Director exercises his discretion and refuses to issue Roby a bail bond agent license.
18. This Order is in accordance with the law and in the public interest.

ORDER

IT IS THEREFORE ORDERED that the bail bond agent license application of **Jerry Lennell Roby** is hereby **REFUSED**.

SO ORDERED.

WITNESS MY HAND THIS 8TH DAY OF SEPTEMBER, 2016.





JOHN M. HUFF
DIRECTOR, Missouri Department of Insurance,
Financial Institutions and Professional Registration

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 9th day of September, 2016, a copy of the foregoing Order and Notice was served upon the Applicant in this matter by UPS, signature required service, at the following address:

Jerry Lennell Roby
2216 East 74th Street
Kansas City, Missouri 64132

Tracking No. 1Z0R15W84295702989

Jerry Lennell Roby
7416 Bellefontaine Avenue
Kansas City, Missouri 64132

Tracking No. 1Z0R15W84299213796



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