

BEFORE THE ADMINISTRATIVE HEARING COMMISSION  
STATE OF MISSOURI

W. DALE FINKE, Director )  
Department of Insurance )  
State of Missouri, )  
Petitioner, )  
v. )  
GERALD W. CUMMINGS, )  
Respondent. )

Case Number: 05-1686DI

RECEIVED  
MAR 17 2006  
Administrative Hearing Commission

FILED  
MAR 20 2006  
ADMINISTRATIVE HEARING  
COMMISSION

AMENDED COMPLAINT

W. Dale Finke, Director of the Missouri Department of Insurance, through counsel, complains and requests the Administrative Hearing Commission find that cause exists for disciplinary action against Respondent Gerald W. Cummings because:

INFORMATION RELEVANT TO ALL COUNTS

1. Petitioner is the Director of the Missouri Department of Insurance ("the Director") whose duties include, pursuant to Chapter 374, RSMo, the regulation, supervision and discipline of bail bond agents.
2. Respondent Gerald W. Cummings ("Respondent Cummings") was issued a bail bond agent license by the Director, number BB303793. At all times mentioned herein, Respondent Cummings' license was active and in good standing.
3. This Commission has jurisdiction of this Complaint pursuant to section 621.045, RSMo.

COUNT I

4. Respondent Cummings has been adjudged or entered a plea of guilty or nolo

contendere within the past fifteen years in a criminal prosecution under state law for a felony or a crime involving moral turpitude, whether or not a sentence was imposed, a ground for discipline under § 374.755.1(2), RSMo (Cumulative Supp. 2005).

5. The facts are as follows:

a. On or about April 18, 2005, Respondent was adjudicated, convicted, or found guilty of Possession of a Controlled Substance in the Circuit Court of Cass County, Harrisonville, Missouri, the honorable Judge Jacqueline Cook presiding, in violation of §195.202, RSMo (2000);

b. On or about April 18, 2005, Respondent was adjudicated, convicted or found guilty of carrying a Concealed Weapon in the Circuit Court of Cass County, Harrisonville, Missouri, the honorable Judge Jacqueline Cook presiding, in violation of § 571.030.1(1), RSMo (Cumulative Supp. 2005) , and;

c. At the time of the foregoing actions, Respondent's violation of § 195.202 and § 571.030.1 was a felony and/or constituted crimes involving moral turpitude.

6. As a result of the adjudications, convictions or findings of guilt of Respondent Cummings, sufficient grounds exist for disciplining Respondent Cummings' bail bond agent license under § 374.755.1(2), RSMo (Cumulative Supp. 2005).

## **COUNT II**

7. Respondent Cummings has violated provisions of or obligations imposed by the laws of this state, a ground for discipline of Respondent Cummings' license under section 374.755.1(6), RSMo. (Cumulative Supp. 2005).

8. The facts are as follows:

a. Petitioner realleges and expressly incorporates the allegations contained in

paragraphs 4–5 of this Complaint;

b. Respondent Cummings thereby violated § 195.202, RSMo (2000) and § 571.030.1, RSMo (Cumulative Supp. 2005);

c. On or about February 1, March 3, and May 5, 2005, Respondent Cummings was sent Department of Insurance letters issued by Special Investigator Terry D. Lytton requesting information regarding various inquiries made by Mr. Lytton in the course of his investigation of Respondent Cummings;

d. For each of the aforementioned letters, Respondent Cummings failed to respond and provide any requested information; and

e. Respondent Cummings thereby violated § 374.210, RSMo (2000).

9. As a result, sufficient grounds exist for disciplining Respondent Cummings' bail bond agent license under § 374.755.1(6), RSMo (Cumulative Supp. 2005).

### COUNT III

10. Respondent Cummings has demonstrated incompetency or misconduct in the performance of the functions or duties of the profession licensed or regulated by sections 374.695 to 374.775, a ground for discipline of Respondent Cummings' license under section 374.755.1(5), RSMo. (Cumulative Supp. 2005).

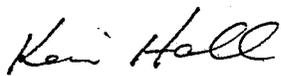
11. The facts are as follows:

a. Petitioner realleges and expressly incorporates all of the allegations contained in paragraphs 4–8 of this Complaint.

12. As a result, sufficient grounds exist for disciplining Respondent Cummings' bail bond agent license under § 374.755.1(5), RSMo (Cumulative Supp. 2005).

WHEREAS, based on the foregoing, Petitioner respectfully requests that the Commission make findings of facts and conclusions of law stating that Petitioner has established cause to discipline the bail bond agent license of Respondent Cummings.

Respectfully submitted,



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ATTORNEY FOR PETITIONER:  
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