STATE OF MISSOURI
DEPARTMENT OF INSURANCE

IN THE MATTER OF: Phillip H. March, Applicant. Serve at: 207 N. 14th Street St. Louis, MO 63103	))))))))))))	Case No. 05A000222

REFUSAL TO RENEW A BAIL BOND AGENT LICENSE

On January 23, 2006, Kathyrn Turner, as senior counsel for the Investigations Section of the Division of Consumer Affairs, submitted a petition to the Director alleging cause for refusing to renew the bail bond agent license of Phillip H. March. After reviewing the petition, and the investigative report, the Director issues the following findings of fact, conclusions of law and summary order:

FINDINGS OF FACT

1. Applicant, Phillip H. March, is a Missouri resident with an address of 207 N. 14th Street, St. Louis MO 63103.

2. On May 28, 2005, Applicant submitted a request for renewal of his bail bond agent license to the Department of Insurance.

3. Applicant's bail bond agent license expired on May 18, 2004.

4. On or about June 24, 2004, Applicant attempted to write a bail bond for Steve Kundart, with payment for the bond supplied by Murphy Gregoire. The bail contract was not completed and payment was refunded.

5. On June 28, 2005, Applicant was scheduled to appear at the Department to discuss the complaint and a recent arrest. Applicant requested that the

conference be rescheduled for June 30, 2005. Applicant failed to appear on June 30, 2005.

6. Another conference was scheduled with Applicant for August 1, 2005, but he failed to appear.

7. On July 8, 2005, Applicant was found guilty by court of violating §571.030.1(1) RSMo, Unlawful Use of a Weapon by Carrying Concealed, a class D felony, in the 22nd Judicial Circuit in the City of St. Louis. The Court suspended the imposition of sentence and placed Applicant on one (1) year probation.

8. This order is in the public interest because granting a bail bond license to a person who has engaged in the unlawful use of a weapon would present a significant risk to the public.

CONCLUSIONS OF LAW

9. 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.

10. Section 374.755.1(5), RSMo Cum Supp 2004 provides:

> The department may cause a complaint to be filed .....for any one or any combination of the following causes: ...
>
> (2) Final adjudication...of guilty...within the past fifteen years in a criminal prosecution under any state...law for a felony...whether or not sentence is imposed...
>
> (5) ...incompetency, misconduct...in the performance of the functions or duties of the profession licensed or regulated by sections 374.695 to 374.775;
>
> (6) Violation of any provision of or any obligation imposed by the laws of this state...;

11. Applicant has been found guilty of Unlawful Use of a Weapon by Carrying Concealed in violation of §571.030.1(1) RSMo, a class D felony, and remains subject to arrest and imprisonment, subjecting him to refusal to renew his license under §374.750 RSMo 2000 and §374.755.1(2) RSMo Cum Supp 2004.

12. Applicant failed to appear at two conferences rescheduled at his request, a ground for refusal to renew his license under §374.755.1(5), RSMo Cum Supp 2005.

13. Applicant violated §571.030.1(1) RSMo, as found by the finding of guilt in the 22nd Judicial Circuit in the City of St. Louis, a ground for refusal to renew his license under §374.755.1(6) RSMo Cum Supp 2004.

14. This order is in the public interest.

ORDER

IT IS THEREFORE ORDERED that the renewal of the bail bond agent license of Phillip H. March is hereby summarily REFUSED.

SO ORDERED.

WITNESS MY HAND THIS 27th DAY OF January, 2006.

W. Dale Finke

W. DALE FINKE
DIRECTOR

Douglas M. Ommen

DOUGLAS M. OMMEN
DEPUTY DIRECTOR
GENERAL COUNSEL

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.

CERTIFICATE OF SERVICE

I hereby certify that on this 27th day of January, 2006, a copy of the foregoing notice, order and petition was served upon the Applicant in this matter by certified mail.

Karen Crutchfield

Karen Crutchfield
Senior Office Support