

BEFORE THE ADMINISTRATIVE HEARING COMMISSION  
STATE OF MISSOURI

**FILED**

NOV 15 2006

ADMINISTRATIVE HEARING  
COMMISSION

W. DALE FINKE, Director )  
Department of Insurance, Financial )  
Institutions & Professional Registration )  
State of Missouri, )

Petitioner, )

vs. )

Case No.: 06-0822276

C & M BONDING, INC., )

Respondent. )

Serve: )

1491 South Sam Houston Blvd. )  
Houston, Missouri 65483-0050 )  
(417) 967-0274 )

or, )

Cody Ice, President of C & M )  
Bonding, Inc. )  
180 North Street )  
Houston, Missouri 65483-0050 )  
(417) 967-3416 )

**COMPLAINT**

W. Dale Finke, Director of the Missouri Department of Insurance, Financial Institutions, and Professional Registration, through counsel, complains and requests the Administrative Hearing Commission find that cause exists for disciplinary action against Respondent, C & M Bonding, Inc., because:

**INFORMATION RELEVANT TO ALL COUNTS**

1. Petitioner is the Director of the Missouri Department of Insurance, Financial Institutions, and Professional Registration (hereinafter "the Director"), whose duties include,

pursuant to RSMo Chapters 374 and 375, the regulation, supervision, and discipline of general bail bond agents.

2. The Missouri Department of Insurance, Financial Institutions, and Professional Registration (hereinafter "the Department") issued Respondent a general bail bond agent license (License Number GC8004376) on August 7, 1997. Respondent's license is currently active and is set to expire on August 7, 2007.

3. Respondent is a corporation registered with the Missouri Secretary of State (Charter Number 00437710).

4. The Department issued a bail bond agent license (License Number BB303964) to Cody W. Ice, President of Respondent company on September 26, 1984. Mr. Ice's bail bond agent license is currently active and set to expire on September 26, 2007.

5. The Commission has jurisdiction over this Complaint pursuant to § 621.045, RSMo (Cum. Supp. 2005).

### COUNT I

6. Respondent has obtained or attempted to obtain compensation as a bail bond agent by means of fraud, deception, or misrepresentation, a ground for discipline of Respondent's general bail bond agent license pursuant to § 374.755.1(4), RSMo (Cum. Supp. 2005).

7. The facts are as follows:

a. At all times relevant to this complaint, Philip Jeffrey Stillwell was working as a bail bond agent under Respondent.

b. On or about June 28, 2004, Anthony J. Mottin was being held at the Camden County Jail awaiting prosecution for first degree robbery, second degree assault,

and armed criminal action. The Camden County Circuit Court set bond at two hundred fifty thousand dollars (\$250,000.00). The Camden County Circuit Court set an additional cash-only bond of five thousand dollars (\$5,000.00) when Mr. Mottin was charged with damaging jail property.

- c. On or about June 28, 2004, Mr. Mottin met with Mr. Stillwell at the Camden County Jail where Mr. Stillwell agreed to post the necessary funds to secure Mr. Mottin's release from the Camden County Jail.
- d. On or about June 28, 2004, Mr. Stillwell posted the necessary security for Mr. Mottin to be released on the two hundred fifty thousand dollars (\$250,000.00) bond. Mr. Stillwell signed the bond form as Respondent's agent. Mr. Stillwell did not post the five thousand dollars (\$5,000.00) cash bond at that time.
- e. On or about June 29, 2004, Mr. Mottin appointed Mr. Stillwell to serve as his attorney-in-fact to receive, endorse, and collect the following checks on Mr. Mottin's behalf:
  - i. Southern Illinois Carpenters Annuity Fund check #2305, dated June 22, 2004, in the amount of nine thousand, three hundred fifty-nine dollars and eighteen cents (\$9,359.18);
  - ii. United States Treasury tax refund check #2306 39199718, dated April 30, 2004, in the amount of three thousand, ten dollars (\$3,010.00).
- f. On or about June 29, 2004, the two previously mentioned checks appear to have been endorsed by "Philip J. Stillwell Attny In Fact for Anthony Mottin under durable POA Date 6/29/04."

- g. On or about July 3, 2004, Mr. Stillwell posted a cash bond, in his own name, not as an agent of Respondent, in the amount of five thousand dollars (\$5,000.00) for Mr. Mottin's release.
  - h. Due to separate criminal charges in the State of Illinois, Mr. Mottin was not released from the Camden County Jail at that time.
  - i. Approximately twelve (12) days after posting the five thousand dollar (\$5,000.00) cash bond, Respondent or Mr. Ice revoked both bonds without refunding any portion of the funds provided by Mr. Mottin.
  - j. Mr. Mottin's counsel, Vanessa Antoniou (Missouri Bar # 40844), attempted to contact C & M Bonding, Inc. in order to obtain a refund of the amounts paid by Mr. Mottin.
  - k. Ms. Antoniou notified the Department, via letter dated July 3, 2005, of Respondent's failure to refund Mr. Mottin's money and Respondent's refusal to communicate with her or Mr. Mottin.
  - l. To date, Respondent, nor Mr. Ice, nor Mr. Stillwell, has refunded any portion of the funds paid to them by Mr. Mottin.
8. As a result, sufficient grounds exist for disciplining Respondent's general bail bond agent license pursuant to § 374.755.1(4), RSMo (Cum. Supp. 2005).

## COUNT II

9. Respondent failed to satisfy multiple bond forfeiture judgments within six (6) months of the judgment, a ground for discipline of Respondent's license under § 374.755.1(6), RSMo (Cum. Supp. 2005).

10. The facts are as follows
- a. The following bond forfeiture judgments were issued by the Circuit Court of Texas County:
    - i. Case Number CR900-89M, bond forfeiture judgment in the amount of five thousand dollars (\$5,000.00) entered on August 12, 2005.
    - ii. Case Number CR901-803F, bond forfeiture judgment in the amount of five thousand dollars (\$5,000.00) entered on August 12, 2005.
  - b. Respondent failed to satisfy such judgments within six (6) months of judgment.
  - c. The above forfeiture judgments were satisfied on October 13, 2006.
11. As a result, sufficient grounds exist for disciplining Respondent's general bail bond agent license pursuant to §§ 374.763.1 and 374.755.1(6), RSMo (Cum. Supp. 2005).

WHEREFORE, based on the foregoing, Petitioner respectfully requests that the Commission make findings of fact and conclusions of law stating that Petitioner has established cause to discipline Respondent's general bail bond agent license under §§ 374.755.1(4) and 374.755.1(6), RSMo (Cum. Supp. 2005).

Respectfully submitted,



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