

Before the
Administrative Hearing Commission
State of Missouri



DIRECTOR OF DEPARTMENT OF)
INSURANCE, FINANCIAL INSTITUTIONS)
AND PROFESSIONAL REGISTRATION,)
)
Petitioner,)
)
vs.)
)
U & K INVESTMENTS, INC., and)
ULIS R. and KRISTIN VICKERS,)
)
Respondents.)

No. 07-0014 DI

06082327C

DECISION

U & K Investments, Inc. (“U & K”) and Ulis R. and Kristin Vickers (together “Respondents”) are subject to discipline because the Vickers misrepresented their addresses on licensing applications.

Procedure

On January 5, 2007, the Director of the Missouri Department of Insurance, Financial Institutions, and Professional Registration (“the Director”) filed a complaint seeking to discipline Respondents’ bail bond agent licenses. Although Respondents were served with a copy of the complaint and our notice of complaint/notice of hearing, they did not file an answer. On August 13, 2007, we held a hearing on the complaint. Legal Counsel Kevin Hall represented the Director. No one appeared to represent Respondents. The matter became ready for our decision on August 20, 2007, the date the transcript was filed.

Findings of Fact

1. On February 11, 2003, Ulis Vickers was issued a bail bond agent license. He surrendered the license effective October 5, 2006.
2. On his original and renewal applications for licensure, Ulis Vickers stated that he was a resident of Missouri when he was a resident of Kansas.
3. On April 25, 2006, Kristin Vickers was issued a bail bond agent license. She surrendered the license effective October 5, 2006.
4. On her application for licensure, Kristin Vickers stated that she was a resident of Missouri when she was a resident of Kansas.
5. On April 25, 2006, U & K was issued a general bail bond agent license. U & K surrendered the license effective October 5, 2006.
6. On U & K's application for licensure, Ulis Vickers, who is the president of U & K, stated that U & K's business office was located in Missouri when it was located in Kansas.¹
7. The Director relied on these statements when issuing and renewing the licenses.
8. The Vickers and U & K did not change their addresses during the period they were licensed because they never lived in Missouri and the business was never located in Missouri.²
9. A non-resident general bail bond agency must post \$25,000 with the State, while a resident agency has to post only \$10,000.³

Conclusions of Law

We have jurisdiction to hear this case.⁴ The Director has the burden of proving that Respondents have committed an act for which the law allows discipline.⁵ Commissioner

¹Tr. at 16.

²Tr. at 8.

³Tr. at 7.

⁴Section 621.045. Statutory references are to RSMo Supp. 2006, unless otherwise noted.

⁵*Missouri Real Estate Comm'n v. Berger*, 764 S.W.2d 706, 711 (Mo. App., E.D. 1989).

Nimrod T. Chapel, Jr., having read the full record including all the evidence, renders the decision.⁵

The Director argues that there is cause for discipline under § 374.755:⁶

1. The department may cause a complaint to be filed with the administrative hearing commission as provided by chapter 621, RSMo, against any holder of any license required by sections 374.695 to 374.755 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:

* * *

(3) Use of fraud, deception, misrepresentation or bribery in securing any license or in obtaining permission to take any examination required pursuant to sections 374.695 to 374.775;

* * *

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

Fraud, Deception, Misrepresentation

Fraud is an intentional perversion of truth to induce another, in reliance on it, to part with some valuable thing belonging to him.⁷ Misrepresentation is a falsehood or untruth made with the intent and purpose of deceit.⁸ Deception is the act of causing someone to accept as true what is not true.⁹

The Director argues that Respondents used fraud, deception, and misrepresentation to secure bail bond agent licenses when they stated on their applications that they lived and did

⁵Section 536.080.2, RSMo 2000; *Angelos v. State Bd. of Regis'n for the Healing Arts*, 90 S.W.3d 189 (Mo. App., S.D. 2002).

⁶Although the language changed in the amended statute, the causes for discipline remain the same.

⁷*State ex rel. Williams v. Purl*, 128 S.W. 196, 201 (Mo. 1910).

⁸MERRIAM-WEBSTER'S COLLEGIATE DICTIONARY at 794 (11th ed. 2004).

⁹*Id.* at 322.

business in Missouri when that was untrue. We agree. We find cause for discipline under § 374.755.1(3).

Violating Regulations

The Director argues that Respondents are subject to discipline under § 374.755.1(6) because they violated Regulation 20 CSR 700-6.170:

(1) Bail bond agents, general bail bond agents and surety recovery agents shall inform the director of a change of name or change of address within (30) days of the change by submitting a change in status form which may be obtained on the department website at www.insurance.mo.gov or at the offices of the department.

* * *

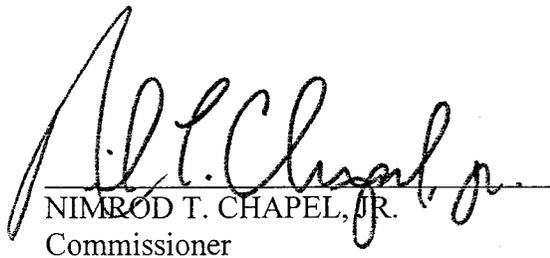
(3) Failure to timely inform the director of the changes described in this rule may result in a forfeiture not to exceed the sum of ten dollars (\$10) per month.

We have found that the Vickers lied about their addresses on their applications for licensure and on U & K's application. We disagree that they violated this regulation because they did not change addresses. They never lived or had a business located in Missouri; they simply lied and said that they did. They were not required to report a change of address as this regulation mandates. Respondents are not subject to discipline under § 374.755.1(6) for violating 20 CSR 700-6.170(1) or (3).

Summary

Respondents are subject to discipline under § 374.755.1(3). They are not subject to discipline under § 374.755.1(6).

SO ORDERED on October 3, 2007.


NIMROD T. CHAPEL, JR.
Commissioner