# State of Missouri

DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS & PROFESSIONAL REGISTRATION

| | | |
|---|---|---|
| IN THE MATTER OF: | ) | |
| | ) | |
| Flay X. Bledsoe | ) | Case No. 07A000692 |
| | ) | |
| Applicant. | ) | |
| | ) | |
| Serve at: | ) | |
| | ) | |
| 3423 E. 24th Street | ) | |
| Kansas City, MO 64127 | ) | |
| | ) | |

## REFUSAL TO RENEW BAIL BOND AGENT LICENSE

On May 13, 2008, Dale Hardy Roberts, Special Investigations Counsel for the Consumer Affairs Division, submitted a petition to the Director alleging cause for refusing to renew the bail bond agent license of Flay X. Bledsoe. After reviewing the petition and the entirety of the file, the Director issues the following findings of fact, conclusions of law and summary order:

## FINDINGS OF FACT

1. Flay X. Bledsoe is a Missouri resident with an address of 3423 East 24th Street, Kansas City, Missouri, 64127.

2. Bledsoe has held a Bail Bond Agent License since June 16, 2003 and his current license expired on June 16, 2007.

3. On September 24, 2007, Bledsoe filed a late Missouri Uniform Renewal Application for Bail Bond or Surety Recovery Agent License with the Department of Insurance, Financial Institutions and Professional Registration seeking renewal of his bail bond agent license.

4. Question III B of the renewal application form asks:

> 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)...

5. Bledsoe answered "no" to this question, however, that answer was neither truthful nor accurate.

6. On April 3, 2006, Bledsoe entered a plea of guilty to the class C felony of possession of a controlled substance. The Court granted Bledsoe a suspended imposition of sentence.

7. Bledsoe's guilty plea to a felony offense, and subsequent S.I.S., occurred fewer than 15 years ago.

8. Bledsoe signed his renewal application and swore, under oath:

> This applicant first being duly sworn upon his/her oath, states that the statements contained in the above and foregoing application are true to the best of his/her knowledge and belief.

9. This order is in the public interest.

## CONCLUSIONS OF LAW

10. 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.

11. Section 374.755.1, RSMo (Cum. Supp. 2007) provides, in part:

> The department may cause a complaint to be filed ....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...law for...a crime involving moral turpitude...whether or not sentence is imposed...;
>
> (3) Use of...fraud, deception, misrepresentation...in

> securing any license...required pursuant to sections 374.695 to 374.775; ... [or]
>
> (6) Violation of any provision of or any obligation imposed by the laws of this state ....

12. Section 374.715.1 RSMo (Cum. Supp. 2007) provides, in part:

> 1. Applications for...licensure as a bail bond agent...shall contain such information as the department requires...Each application shall be accompanied by proof satisfactory to the department that the applicant...meets the qualifications for surety on bail bonds as provided by supreme court rule.

13. Supreme Court Rule 33.17 provides, in 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 of or pleaded guilty ...to:
> (1) Any felony of this state or the United States; or
> (2) Any other crime of this state or the United States involving moral turpitude,
> whether or not a sentence is imposed;

**Discretion**

14. As §374.750 provides that the Director "may" refuse a license renewal, the Director has discretion under this section for disqualifying Applicant for any or all of the above findings and conclusions. State Bd. Of Regis'n for the Healing Arts v. Finch, 514 S.W. 2d 608 (Mo. App., E.D. 1984); Joyce v. Director of Insurance, No. 97-3416 DI (Mo. Admin. Hearing Comm'n May 28, 1998); James A. Gillihan v. Director of Insurance, No. 04-1652 DI (Mo. Admin. Hearing Comm'n December 21, 2006); Rochelle K. Whatley v. Director of Insurance, No. 05-1074 DI (Mo. Admin. Hearing Comm'n January 3, 2007).

15. A bail bond agent has quasi-police powers including the authority to take custody of defendants released on bail by the courts. Honesty and candor are very important to this law enforcement function.

16. In applying this discretion, the Director has considered the history of the Applicant and all of the circumstances surrounding the Applicant's 2007 Renewal Application.

17. Finally, despite decisions by the Administrative Hearing Commission that may be subject to contrary opinion, the Director concludes that Rule 33.17 is currently effective and is intended by the Missouri Supreme Court to guide all Missouri courts charged with administering the qualifications for bail bond agents operating in those courts. For the Director to apply a conflicting or different qualification standard would produce the very undesirable result of the executive branch granting licenses to individuals, but who are unqualified by review in the judicial branch. For all of these reasons, and even if the §374.715 could be interpreted in such a manner to not mandate disqualification of the Applicant, the Director exercises his discretion in refusing to renew the Applicant.

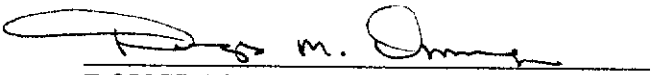
18. This order is in the public interest.

## ORDER

IT IS THEREFORE ORDERED that the renewal of the bail bond agent license of Applicant Flay X. Bledsoe is hereby summarily REFUSED.

SO ORDERED.

WITNESS MY HAND THIS 29th DAY OF May, 2008.



DOUGLAS M. OMMEN
DIRECTOR

## 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 30th day of May, 2008, a copy of the foregoing notice, order and petition was served upon the Applicant in this matter by certified U.S. Mail.

Karen Crutchfield
Sr. Office Support Assistant
Investigations Section