STATE OF MISSOURI
DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS & PROFESSIONAL REGISTRATION

IN THE MATTER OF:	)	
	)	
Michael Dale Hibdon Cherry,	)	Case No. 08A000088
	)	
Applicant.	)	
	)	
Serve at:	)	
	)	
605 E 164th Terrace Belton, Mo. 64012	)	
	)	
	)	

REFUSAL TO RENEW BAIL BOND AGENT LICENSE

On September 16, 2008, Dale Hardy Roberts, Special Investigations Legal Counsel for the Investigations Section of the Division of Consumer Affairs, submitted a Petition to the Director alleging cause to refuse to renew the bail bond agent license application of Michael Dale Hibdon Cherry. 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. Michael Dale Hibdon Cherry is a Missouri resident with an address of 605 E 164th Terrace, Belton, Mo. 64012.

2. Applicant was previously licensed as a bail bond agent by the Department of Insurance, Financial Institutions & Professional Registration from January 18, 2005 to December 31, 2007, license number BB341647. Applicant's license expired on December 31, 2007.

3. On January 3, 2008, Applicant filed a Missouri Uniform Renewal Application for Bail Bond or Surety Recovery License with the Department, seeking licensure as a bail bond agent.

4. Question B of Part III of the Application 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. Applicant checked the "Yes" answer to this question.

6. On April 15, 2002, Applicant pleaded guilty in the Circuit Court of Cass County, Missouri to Nonsupport in Each of Six Individual Months Within Any Twelve-Month Period, Amount Owed Is In Excess of $5000, which offense is a violation of § 568.040.4, RSMo and a class D felony.

7. The Court suspended the imposition of sentence and placed Applicant on probation for a period of five years.

8. All of the competent and substantial evidence upon the whole record has been considered. In making this decision on behalf of the Department, I have considered the positions and arguments of all of the parties. Failure to specifically address a piece of evidence, position or argument of any party does not indicate there was a failure to consider relevant evidence, but indicates rather that the omitted material was not dispositive of this decision.

CONCLUSIONS OF LAW

9. 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;

10. 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.

11. 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.

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

> The department may cause a complaint to be filed ....for any one...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 felony...whether or not a sentence is imposed, prior to issuance of license date;
>
> (6) Violation of any provision of or any obligation imposed by the laws of this state.

13. Applicant pleaded guilty to a felony under Missouri state law within the past fifteen years.

14. As a result of Applicant's guilty plea, Applicant is no longer qualified to hold a bail bond agent license because he fails to meet the qualifications for surety on bail bonds as provided by Supreme Court Rules 33.17 and 33.20, as provided in § 374.715.1, RSMo (Cum. Supp. 2007).

15. The denial of Applicant's application for renewal of his bail bond agent license is therefore mandatory.

16. This order is in the public interest.

ORDER

IT IS THEREFORE ORDERED that the renewal of the bail bond agent license of Applicant Michael Dale Hibdon Cherry is hereby summarily REFUSED.

SO ORDERED.

WITNESS MY HAND THIS 7th DAY OF October, 2008.

Linda Bohrer

LINDA BOHRER, ACTING 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 thirty (30) days after the mailing of this notice pursuant to Section 621.120, RSMo.

CERTIFICATE OF SERVICE

I hereby certify that on this 7th day of October, 2008, a copy of the foregoing notice and order was served upon the Applicant in this matter by certified mail.

Karen Crutchfield

Karen Crutchfield
Senior Office Support Staff