State of Missouri
Department of Insurance, Financial Institutions & Professional Registration

IN THE MATTER OF:	)	
	)	
Melissa Schroeder,	)	Case No. 08A000029
	)	
Applicant.	)	
	)	
Serve at:	)	
	)	
315 E. Washington	)	
Cuba, Mo. 65453	)	
	)	

REFUSAL TO RENEW BAIL BOND AGENT LICENSE

On September 11, 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 of Melissa Schroeder. 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 is a Missouri resident with an address of 315 E. Washington, Cuba, Missouri 65453.

2. Applicant was previously licensed as a bail bond agent by the Department of Insurance, Financial Institutions & Professional Registration from January 12, 2005 to December 31, 2007, license number BB341395.

3. On December 31, 2007, Applicant filed a Missouri Uniform Renewal Application for Bail Bond or Surety Recovery Agent 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 "No" answer to this question.

6. On January 10, 2003, Applicant, then known as Melissa S. Norris, was found guilty in the Circuit Court of Crawford County, Missouri of the class C felony of possession of a controlled substance.

7. The Court's finding Applicant guilty of a felony occurred within fifteen years prior to her filing the Application.

8. Applicant failed to disclose the felony conviction on her 2004 and 2007 Applications and, instead, falsely stated on her Application that she had never been convicted of a felony or misdemeanor.

9. 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

10. Section 374.715, RSMo (Cum. Supp. 2007) provides, in part:

> 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. 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;

12. 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.

13. 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 felony...whether or not a sentence is imposed, prior to issuance of license date;
>
> (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 rules and regulations, or aiding or abetting other persons to violate such laws, orders, rules or regulations, or subpoenas;

14. Applicant was found guilty of a felony within the fifteen (15) years prior to the date of her Application for renewal of a bail bond agent license, which prevents her from meeting the qualifications for surety on bail bonds as provided by Supreme Court Rule 33.17(f), a disqualification from obtaining a bail bond agent license under § 374.715, RSMo (Cum. Supp. 2007).

15. Applicant falsely stated on her 2004 and 2007 Applications that she had never been found guilty of a felony and thereby made use of a misrepresentation or deception in an attempt to secure a bail bond agent license under § 374.755.1(3), RSMo.

16. The denial of this application to renew a Bail Bond Agent license is therefore mandatory.

17. This order is in the public interest.

ORDER

IT IS THEREFORE ORDERED that the renewal of the bail bond agent license of Applicant Melissa Schroeder 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