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

IN THE MATTER OF:	)		
	)		
Andrew Rhodes,	)	Case No.	10-0316363C
	)		
Applicant.	)		
	)		
Serve at:	)		
	)		
2505 Market Street,	)		
Hannibal, Missouri 63401	)		

REFUSAL TO ISSUE SURETY RECOVERY AGENT LICENSE

On May 12, 2010, Elfin L. Noce, as Legal Counsel for the Consumer Affairs Division, submitted a Petition to the Director alleging cause for refusing to issue a surety recovery agent license to Andrew Rhodes ("Rhodes"). 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. Andrew Rhodes ("Rhodes") is a Missouri resident with an address of 2505 Market Street, Hannibal, Missouri 63401.

2. On or about December 4, 2009, the Department of Insurance, Financial Institutions and Professional Registration ("Department") received Rhodes' Missouri Uniform Application for Bail Bond or Surety Recovery License ("Application").

3. On the Application, Rhodes indicated he was applying for a surety recovery agent license.

4. In the "Background Information" section of the Application, Question B 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. Rhodes answered "Yes" to Background Question B.

6. In explanation of his answer to Background Question B, Rhodes stated the following:

> My explanation for this charge is: I was working two jobs, was using over the counter pills such as Stackers, 357's ect… to keep going. These legal pills were tearing up my stomach, and a guy offered me some powder, and told me that it would not tear up my stomach, so I tried it, got hooked on it, and almost lost my life, wife and family over it. I thanked God when I got caught, and admitted 100% responsibility to my mistake. I did complete out patient treatment, and have been clean since the day I was arrested. I was released from probation early due to no negative actions on my part, I started my own business and have been trying to help people with their own addictions ever since. My wife is a bail bondsman and has been for 6 years, I have been doing investigative work and assistance work for her for the past couple of years. With the laws of bonding and bounty hunting, I am much needed to be licensed along with her, to be able to serve Marion County and surrounding counties on returning runners to jail as needed. Some of the people I have helped did write letters to Lincoln County Court, and I have also sent you copies of these letters.

7. On October 12, 2004, in the case *State of Missouri v. Andrew Tyson Rhodes*, Case Number 04L6-CR00515-01, in Circuit Court of Lincoln County, Missouri, Rhodes pleaded guilty to the class C Felony of Possession of a Controlled Substance and received a suspended imposition of sentence and was placed on five years of probation.

CONCLUSIONS OF LAW

8. Sections 374.783 through 374.789, RSMo, are the statutes relating to surety recovery agents and their licensure.

9. Section 374.784.5, RSMo (2008), states, in part:

> The director may refuse to issue any license pursuant to sections 374.783 to 374.789, for any one or any combination of causes stated in section 374.787.

10. Section 374.787, RSMo (Supp. 2008), provides, in part:

> 1. The director may cause a complaint to be filed with the administrative hearing commission as provided by chapter 621, RSMo, against any surety

recovery agent or any person who has failed to renew or has surrendered his license for any one or any combination of the following causes:

> (1)Violation of any provisions of, or any obligations imposed by, the laws of the state, the department of insurance, financial institutions and professional registration rules and regulations, or aiding or abetting other persons to violate such laws, orders, rules, or regulations;
>
> (2) Final adjudication or a plea of guilty or nolo contendere in a criminal prosecution under state or federal law for a felony or a crime involving moral turpitude, whether or not a sentence is imposed;

* * *

11. Moral turpitude has been defined as "an act of baseness, vileness, or depravity in the private and social duties which a man owes to his fellowman or to society in general, contrary to the accepted and customary rule of right and duty between man and man; everything 'done contrary to justice, honesty, modesty, and good morals'." *In Re Frick*, 694 S.W.2d 473, 479 (Mo. 1985). Crimes which involve moral turpitude include crimes involving violations of narcotics laws, fraud, false pretenses, and theft. *Id.*

12. Rhodes may be refused a surety recovery agent license based upon § 374.787.1(1), RSMo (Supp. 2009), for pleading guilty to the class C Felony of Possession of a Controlled Substance on October 12, 2004, in the Circuit Court of Lincoln County, Missouri, *State of Missouri v. Andrew Tyson Rhodes*, Case Number 04L6-CR00515-01, which is a violation of a law of this state.

13. Rhodes may be refused a surety recovery agent license based upon § 374.787.1(1), RSMo (Supp. 2009), for pleading guilty to the class C Felony of Possession of a Controlled Substance on October 12, 2004, in the Circuit Court of Lincoln County, Missouri, *State of Missouri v. Andrew Tyson Rhodes*, Case Number 04L6-CR00515-01, which is a felony and a crime of moral turpitude.

14. In applying his discretion, the Director has considered the history of Rhodes and all of the circumstances surrounding Rhodes' Application. Rhodes' history raises questions of Rhodes' ability to comply with Missouri law and whether he can meet the significant responsibilities required of a licensed surety recovery agent. For these reasons, the Director exercises his discretion in refusing to issue a surety recovery agent license to Butler.

15. This order is in the public interest.

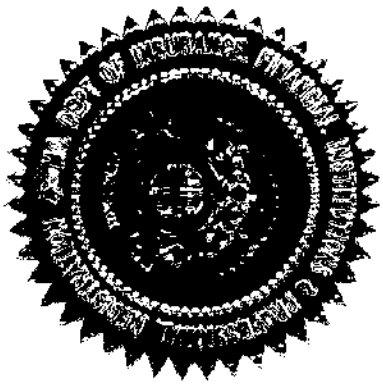
ORDER

IT IS THEREFORE ORDERED that issuance of the surety recovery agent license of Applicant Andrew Rhodes is hereby REFUSED.

SO ORDERED.

WITNESS MY HAND THIS 27TH DAY OF MAY, 2010.

JOHN M. HUFF
DIRECTOR



NOTICE

TO: Andrew Rhodes 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, 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 2nd day of June, 2010, a duplicate original of the foregoing Order and Notice was served upon Andrew Rhodes by Priority mail No. 70070710000220552404 to:

Andrew Rhodes
2505 Market Street
Hannibal, Missouri 63401

Kathryn Randolph
Kathryn Randolph
Paralegal