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

IN THE MATTER OF:	)		
	)		
Shane Williams,	)	Case No.	10-0426444C
	)		
Applicant.	)		
	)		
Serve at:	)		
	)		
2206 Drury	)		
Kansas City, Missouri 64127	)		

REFUSAL TO ISSUE BAIL BOND 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 bail bond agent license to Shane Williams ("Williams"). 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. Williams is a Missouri resident with an address of 2206 Drury, Kansas City, Missouri 64127.

2. On or about October 13, 2009, the Department of Insurance, Financial Institutions, and Professional Registration ("Department") received Williams' Missouri Uniform Application for Bail Bond or Surety License ("Application").

3. In the "Background Information" section, 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).

4. Williams answered "Yes" to Background Question B.

5. In regards to Williams' "Yes" answer to Background Question B of the Application, Williams stated "I have 3 DUI's on my record They are all misdemeanor's [*sic*] from

07" and "In regards to Part 3 Question B I have had charges in the past. I have had an attorney(s) handle all my cases. I have never been convicted of a Felony. I take full responsibility for all charges."

6. On January 26, 1998, in *State of Missouri v. Shane D. Williams*, Case Number 97-06123, in the Circuit Court of Jackson County Missouri, Williams pleaded guilty to class C Felony Possession of a Controlled Substance and class D Felony Unlawful Use of a Weapon, after which imposition of sentence was suspended and Williams was placed on probation for three years.

CONCLUSIONS OF LAW

7. Section 374.715.1, RSMo (Supp. 2009), states:

> Applications for examination and licensure as a bail bond agent or general bail bond agent shall be in writing and on forms prescribed and furnished by the department, and shall contain such information as the department requires. Each application shall be accompanied by proof satisfactory to the department that the applicant is a citizen of the United States, is a least twenty-one years of age, has a high school diploma or general education development certificate (GED), is of good moral character, and meets the qualifications for surety on bail bonds as provided by supreme court rule. Each application shall be accompanied by the examination and application fee set by the department. Individuals currently employed as bail bond agents and general bail bond agents shall not be required to meet the education requirements needed for licensure pursuant to this section.

8. Section 374.750, RSMo (2000), states:

> 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. The department shall notify the applicant in writing of the reasons for the refusal and shall advise the applicant of his right to file a complaint with the administrative hearing commission as provided by chapter 621, RSMo.

9. Section 374.755, RSMo (Supp. 2009), provides, in part:

> 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 374.775 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:

* * *

> (2) Final adjudication or a plea of guilty or nolo contendere within the past fifteen years in a criminal prosecution under any state or federal law for a felony or a crime involving moral turpitude 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[.]

10. Supreme Court Rule 33.17 states, 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 or nolo contendere to:
>
> (1) Any felony of this state, any other state, or the United States; or
>
> (2) Any other crime of this state, any other state, or the United States involving moral turpitude, whether or not a sentence was 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. As a result of Williams' guilty plea to class C Felony Possession of a Controlled Substance, which is also a crime of moral turpitude, and to class D Felony Unlawful Use of a Weapon in *State of Missouri v. Shane D. Williams*, Case Number 97-06123, in the Circuit Court of Jackson County Missouri, Williams does not meet the qualifications of a surety under Supreme Court Rule 33.17(c) and, thus, does not meet the minimum qualifications of a bail bond agent under § 374.715.1, RSMo (Supp. 2009), which requires, in part, that an applicant meet the qualifications for surety on bail bonds as provided by Supreme Court Rule.

13. Williams may be refused a bail bond agent license pursuant to § 374.755.1(2), because he

pleaded guilty to class C Felony Possession of a Controlled Substance, which is also a crime of moral turpitude, and to class D Felony Unlawful Use of a Weapon in *State of Missouri v. Shane D. Williams*, Case Number 97-06123, in the Circuit Court of Jackson County Missouri.

14. Williams may be refused a bail bond agent license pursuant to § 374.755.1(3), for use of fraud, deception, and misrepresentation in his bail bond agent Application by failing to disclose his two felony guilty pleas.

15. Because Williams does not meet the minimum qualifications of a bail bond agent, refusal of issuance of a bail bond agent license to Williams is mandatory. Even if the Director had discretion in this case, the Director has considered Williams history and all of the circumstances surrounding Williams' Application. Williams' history regarding his two felony guilty pleas and his failure to disclose those two felony guilty pleas on his application raises questions of his ability to comply with Missouri law and whether he can meet the significant responsibilities required of a licensed bail bond agent. For these reasons, the Director is required to refuse to issue a bail bond agent license to Williams and, if the Director did have discretion to issue Williams a bail bond agent license, the Director exercises such discretion by refusing to issue Williams a bail bond agent license.

16. This order is in the public interest.

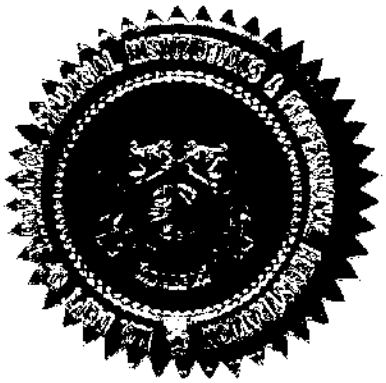
ORDER

IT IS THEREFORE ORDERED that issuance of the bail bond agent license of Applicant Shane Williams is hereby REFUSED.

SO ORDERED.

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

JOHN M. HUFF
DIRECTOR



NOTICE

TO: Shane Williams 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 Shane Williams by certified mail No. 7007 0710 0002 2055 2388

Shane Williams
2206 Drury
Kansas City, MO 64127

Kathryn Randolph
Kathryn Randolph
Paralegal