



**DEPARTMENT OF INSURANCE, FINANCIAL  
INSTITUTIONS AND PROFESSIONAL REGISTRATION**

P.O. Box 690, Jefferson City, Mo. 65102-0690

In re: ) DIFP No. 120215183C  
 )  
Billy Mack Snyder. ) AHC No. 12-0753 DI

**FINDINGS OF FACT, CONCLUSIONS OF LAW  
AND ORDER OF DISCIPLINE**

Based on the competent and substantial evidence on the whole record, I, John M. Huff, Director of the Missouri Department of Insurance, Financial Institutions and Professional Registration, hereby issue the following findings of fact, conclusions of law, and order of discipline:

**Findings of Fact**

1. John M. Huff is the duly appointed Director ("Director") of the Missouri Department of Insurance, Financial Institutions and Professional Registration ("Department") whose duties, pursuant to Chapter 374 RSMo, include supervision, regulation and discipline of bail bond agents and general bail bond agents.

2. The Department issued Respondent Billy Mack Snyder ("Snyder") a bail bond agent license (No. 0304903) on February 6, 1997. The Department subsequently renewed

Snyder's license, which is currently active.

3. The Director filed a Complaint with the Administrative Hearing Commission ("Commission") on May 9, 2012, seeking a finding that cause existed for disciplining Snyder's bail bond agent license pursuant to § 374.755.1(5) and (6) RSMo (Supp. 2011) because Snyder failed to report the acceptance of collateral to his general bail bond agent and because Snyder failed to return collateral, thereby misappropriating said collateral. *Director of Dep't of Ins., Fin. Insts. & Prof'l Reg'n v. Billy Mack Snyder*, No. 12-0757 DI (Mo. Admin. Hrg. Comm'n).

4. On May 10, 2012, Snyder was served with a copy of the Complaint. Snyder never filed an Answer to the Complaint.

5. On September 14, 2012, the Director filed a Motion for Summary Decision and Suggestions in Support. The Commission gave Snyder until October 2, 2012 to file a response, but he did not respond.

6. On October 24, 2012, the Commission issued a Decision making the following findings of fact:

- a) Snyder was licensed as a bail bond agent by the Department on February 6, 1997.
- b) At all relevant times, Snyder worked as a bail bond agent under the authority of general bail bond agent Michael J. McMahon.
- c) In October 6, 2008, Judy Stolz paid a bail bond premium of \$2,500 to Snyder to bond her son out of jail.
- d) On November 21, 2008, Stolz paid Snyder an additional \$2,500.
- e) On December 1, 2008, Stolz paid Snyder an additional \$2,500.

- f) In May 2009, Stolz paid Snyder an additional \$3,500.
- g) The November 21, 2008, December 1, 2008, and May 2009 payments constitute collateral paid by Stolz to Snyder.
- h) Snyder never reported his acceptance of the additional collateral to McMahon and never paid over the collateral to McMahon. Instead, Snyder used the collateral to pay for his personal expenses, including a divorce, hospital bills, and automobile maintenance.
- i) Stolz's son was sentenced for the offense for which he had been jailed in October 2008. When that event occurred, Snyder was no longer liable on the bond, and Stolz was entitled to the return of the collateral.
- j) Snyder failed to repay the collateral to Stolz. Instead, he made partial payments to Stolz totaling \$1,800 between October 2010 and May 2011, but then made no further payments.

7. Based on its factual findings, the Commission found cause to discipline Snyder's license under § 374.755.1(5) and (6) based on the following conclusions of law:

- Count I: Failure to return collateral, as required by § 374.719.1, is cause for discipline under § 374.755.1(6);
- Count II: Snyder's misappropriation of collateral is cause for discipline under § 374.755.1(5);
- Count III: Snyder's three failures to report receipt of additional collateral to his general bail bond agent are each separate causes for discipline under § 374.755.1(6); and
- Count IV: Snyder's incompetency and misconduct are cause for discipline under § 374.755.1(5).

*Director of Dep't of Ins., Fin. Insts. & Prof'l Reg'n v. Billy Mack Snyder, No. 12-0757 DI (Mo.*

Admin. Hrg. Comm'n Oct. 24, 2012).

8. On November 29, 2012, the Commission certified the record of its proceeding to the Director pursuant to § 621.110.

9. The Director served the Notice of Hearing upon Snyder by certified mail and first class mail, which set the disciplinary hearing for 9:30 a.m., January 8, 2013, in the offices of the Department, 301 West High Street, Room 530, Jefferson City, Missouri. The certified mail receipt was returned, but the Notice of Hearing sent by first class mail was not returned as undeliverable.

10. On January 8, 2013, the Director, through his hearing officer, Kristen Paulsmeyer, held the disciplinary hearing. Snyder appeared *pro se*, and offered testimony. Tamara Kopp appeared as counsel for the Department's Consumer Affairs Division ("Division"). Disciplinary Hearing Transcript ("Tr."), 5-6.

11. The hearing officer admitted into evidence the Division's Exhibit 1, the Commission's record of proceedings, and Exhibit 2, the Notice of Hearing. Tr. 9.

12. At the hearing, the Division, through counsel, recommended that Snyder's bail bond agent license be revoked. Tr. 11.

13. Snyder testified that he had no objection "or denial of what happened." "It's just I need[ed] money at the time." Tr. 10.

14. Snyder explained that Stolz's son threatened his own life and Snyder's life, and that the son also threatened to leave for Mexico. "I decided that if he was going, that I would have enough money to go get him. That was the reason for asking for the money. Then he didn't do that, and then I used the money for something else." *Id.*

15. Snyder requested that the Director reconsider "reinstating" his license so that he can make restitution. *Id.*

16. The Director hereby adopts and incorporates the findings of fact in the October 24, 2012 Decision of the Commission referenced herein and does hereby find in accordance with such facts. *Director of Dep't of Ins., Fin. Insts. & Prof'l Reg'n v. Billy Mack Snyder*, No. 12-0757 DI (Mo. Admin. Hrg. Comm'n October 24, 2012).

17. After the disciplinary hearing, the hearing officer issued an Order Setting Briefing Schedule on January 9, 2013. The Division submitted proposed findings of fact, conclusions of law and order. The hearing officer did not receive a response from Snyder.

#### Conclusions of Law

18. Section 621.110 provides, in relevant part:

Upon a finding in any cause charged by the complaint for which the license may be suspended or revoked as provided in the statutes and regulations relating to the profession or vocation of the licensee . . . , the commission shall deliver or transmit by mail to the agency which issued the license the record and a transcript of the proceedings before the commission together with the commission's findings of fact and conclusions of law. The commission may make recommendations as to appropriate disciplinary action but any such recommendations shall not be binding upon the agency. . . . Within thirty days after receipt of the record of the proceedings before the commission and the findings of fact, conclusions of law, and recommendations, if any, of the commission, the agency shall set the matter for hearing upon the issue of appropriate disciplinary action and shall notify the licensee of the time and place of the hearing[.] . . . The licensee may appear at said hearing and be represented by counsel. The agency may receive evidence relevant to said issue from the licensee or any other source. After such hearing the agency may order any disciplinary measure it deems appropriate and which is authorized by law. . . .

19. Where an agency seeks to discipline a license, the Commission "finds the predicate facts as whether cause exists" for the discipline, and then the agency "exercises final

decisionmaking authority concerning the discipline to be imposed.” *Tendai v. Board of Reg’n for the Healing Arts*, 161 S.W.3d 358, 364-65 (Mo. banc 2005), *overruled on other grounds*, *Albanna v. Board of Reg’n for the Healing Arts*, 293 S.W.3d 423, 428 n.2 (Mo. banc 2009).

20. Section 374.051.2, relating to a proceeding to revoke or suspend a license, states, in relevant part:

2. If a proceeding is instituted to revoke or suspend a license of any person under sections 374.755, 374.787, and 375.141, the director shall refer the matter to the administrative hearing commission by directing the filing of a complaint. The administrative hearing commission shall conduct hearings and make findings of fact and conclusions of law in such cases. The director shall have the burden of proving cause for discipline. If cause is found, the administrative hearing commission shall submit its findings of fact and conclusions of law to the director, who may determine appropriate discipline.

21. Section 374.755.1 provides, in part:

1. The department may cause a complaint to be filed with the administrative hearing commission as provided by chapter 621 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:

\* \* \*

(5) Misappropriation of the premium, collateral, or other things of value given to a bail bond agent or a general bail bond agent for the taking of bail, incompetency, misconduct, gross negligence, fraud, or misrepresentation in the performance of the functions or duties of the profession licensed or regulated by sections 374.695 to 374.775;

(6) Violation of any provision of or any obligation imposed by the laws of this state, 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, or subpoenas[.]

22. The Director has discretion to discipline Snyder's bail bond agent license, including the discretion to revoke such license. §§ 374.051.2, 374.755.1(5) and (6), and 621.110.

23. Section 374.755.1 specifically provides that the Director may "cause a complaint to be filed with the administrative hearing commission . . . against any holder of any license required by sections 374.695 to 374.775 . . . for any one or any combination of" the listed grounds.

24. The principal purpose of § 374.755, much like § 375.141, is not to punish licensees, but to protect the public. *Ballew v. Ainsworth*, 670 S.W.2d 94, 100 (Mo. App. E.D. 1984).

25. Section 621.110 allows the Director to receive evidence relevant to the appropriate disciplinary action.


26. Based on the nature and severity of the aforementioned conduct, sufficient grounds exist for revoking Snyder's bail bond agent license pursuant to § 374.744.1(5) and (6).

**ORDER**

Based on the foregoing findings and conclusions, the bail bond agent license of **Billy Mack Snyder** (License No. 0304903) is hereby **REVOKED**.

SO ORDERED, SIGNED AND OFFICIAL SEAL AFFIXED THIS 8<sup>TH</sup> DAY OF March, 2013.



  
John M. Huff, Director  
Missouri Department of Insurance,  
Financial Institutions and  
Professional Registration

CERTIFICATE OF SERVICE

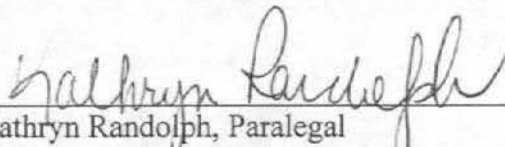
I hereby certify that on this 11<sup>th</sup> day of March, 2013, a copy of the foregoing Findings of Fact, Conclusions of Law and Order of Discipline, was served by United States mail, postage prepaid, and certified mail to:

Billy Mack Snyder  
P.O. Box 574  
Linn Creek, Missouri 65052

Certified No. 7009 3410 9255 6068

And by hand-delivery to:

Tamara Kopp, Esq.  
Senior Counsel  
Consumer Affairs Division  
Department of Insurance, Financial Institutions  
and Professional Registration



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