State of Missouri

DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION

IN RE:	)	
	)	
BRYAN TRAVIS ROBISON,	)	**Case No. 160720355C**
	)	
Renewal Applicant.	)	

ORDER REFUSING TO RENEW GENERAL BAIL BOND AGENT LICENSE

On July 28, 2016, the Consumer Affairs Division ("Division") submitted a Petition to the Director alleging cause for refusing to renew Bryan Travis Robison's general bail bond agent license. After reviewing the Petition, the Investigative Report, and the entirety of the file, the Director issues the following findings of fact, conclusions of law, and order:

FINDINGS OF FACT

1. Bryan Travis Robison ("Robison") is a Missouri resident with a residential address of 2443 Waterfront Drive, Imperial, Missouri 63052 and a mailing address of P.O. Box 43, Imperial, Missouri 63052.

2. The Director of the Department of Insurance, Financial Institutions and Professional Registration (the "Director" of the "Department") first issued Robison a license to act as a bail bond agent (License #0402009) on September 13, 2007. Robison renewed late, on October 2, 2009, and his bail bond agent license expired on October 2, 2013.

3. On August 8, 2012, the Department also licensed Robison to act as a general bail bond agent. That license has the same number as Robison's previously issued bail bond agent license (License #0402009) and is set to expire on August 8, 2016.

4. As general bail bond agent, Robison authorized Power of Attorney number 9773 for a $10,000.00 bond as surety for defendant Jacob Winkleman ("Winkleman"). *State v. Jacob D. Winkleman*, Vernon Co. Cir. Ct., Case No. 11VE-CR00290-01. The Power of Attorney form number 9773 for Winkleman's bond is dated July 11,

2015 with bail bond agent Camie Neal ("Neal") as the "Executing Agent." *Id.*

5. Missouri Form 13-32 "Bond Form" in Vernon Co. Case No. 11VE-CR00290-01 states, in relevant part:

> I/We as principal/sureties agree to pay the State of Missouri the sum of $10,000[1] unless the defendant abides by the conditions set out below.
>
> * * *
>
> FOR ANY PERSONS OTHER THAN THE DEFENDANT WHO POST BOND[.] I now assume custody for the defendant. The defendant will appear and abide by the conditions as shown above. If the defendant fails to do so, I understand that I or the company I represent must forfeit or pay the full amount for the bond or it will be levied against my property or estate or the property for the company I represent[.]

6. The Bond Form in Vernon Co. Case No. 11VE-CR00290-01 bears Neal's signature on the line marked "SIGNATURE OF PERSON POSTING BOND." *Id.*

7. On September 29, 2015, Winkleman failed to appear for a hearing. *State v. Jacob D. Winkleman*, Vernon Co. Cir. Ct., Case No. 11VE-CR00290-01. On October 2, 2015, the court set a bond forfeiture hearing for November 10, 2015 and sent a Notice of Entry with the date and time of the bond forfeiture hearing to Robison at P.O. Box 2518 Hillsboro, Missouri 63050.[2] *Id.*

8. The court held a bond forfeiture hearing on November 10, 2015. *Id.* Robison did not appear or surrender Winkleman to the court. *Id.*

9. On November 13, 2015, the court issued an order forfeiting bond. *State v. Jacob D. Winkleman*, Vernon Co. Cir. Ct., Case No. 11VE-CR00290-01.

10. On November 19, 2015, Robison filed a motion to set aside the November 13,

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[1] The underlined portions of this paragraph are handwritten in on the original bail bond forms filed with the court in *State v. Jacob D. Winkleman*, Vernon Co. Cir. Ct., Case No. 11VE-CR00290-01.

[2] Though Robison lists his mailing address with the Department as P.O. Box 43, Imperial, Missouri, the P.O. Box 2518, Hillsboro, Missouri address appears on the Power of Attorney form number 9773. The P.O. Box 2518 also appears on his business letterhead, fax cover sheet, and within his signature block on correspondence that Robison sent to the Vernon County court.

2015 bond forfeiture order in which Robison alleged he was not aware of the bond forfeiture hearing because he did not receive a notice of hearing.[3] On November 19, 2015, the court set Robison's motion to set aside bond forfeiture for hearing on December 22, 2015 and ordered Robison to surrender Winkleman to the court prior to that date. *Id.*

11. On December 22, 2015, Robison appeared in court but did not surrender Winkleman. The court's docket entry for December 22, 2015 indicates, "Bondsman appears, bond forfeiture set aside, will surrender Def, reset 1-26-16." *Id.*

12. On January 25, 2016, Robison requested the court reschedule the January 26, 2016 bond forfeiture hearing to February 9, 2016 and the court granted Robison's request. *State v. Jacob D. Winkleman*, Vernon Co. Cir. Ct., Case No. 11VE-CR00290-01.

13. On February 9, 2016, Robison appeared in court but did not surrender Winkleman. *Id.* The court's docket entry for February 9, 2016, indicates a "copy of [the] authenticated warrant and order for bondsman to secure Def given. Must have Def in Court on 3-29-16." *Id.*

14. Also on February 9, 2016, the court issued an Order for Robison to secure the body of Winkleman and provide him to the court forthwith. *Id.*

15. On March 29, 2016, Robison appeared in court but did not surrender Winkleman. *Id.* On April 1, 2016, the court entered a Judgment of Bond Forfeiture[4] against Robison as surety in the amount of $10,000.00. *Id.*

16. Robison did not file a motion to set aside or otherwise contest the Vernon County Judgment of Bond Forfeiture entered against him in *State v. Jacob D. Winkleman*, Vernon Co. Cir. Ct., Case No. 11VE-CR00290-01 within thirty days after the judgment was entered and therefore the judgment is final. Mo. Sup. Ct. Rule 81.05(a)(1). Once the judgment became final, Robison was obligated to satisfy the

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[3] In his letter to Vernon County Judge James Bickel dated November 18, 2015, Robison states "I do not doubt that a notice of hearing was sent to my office; however, the Post Office may have delivered the notice to the wrong PO Box. The Post Office is known to put others in my box and my stuff in other boxes." *State v. Jacob D. Winkleman*, Vernon Co. Cir. Ct., Case No. 11VE-CR00290-01.

[4] Missouri Supreme Court Rule 74.01 states a judgment is:

> [A] decree and an order from which an appeal lies. A judgment is rendered when entered. A judgment is entered when a writing signed by the judge and denominated 'judgment' or 'decree' is filed[.]"

judgment. *State v. Michael R. Thomas Bail Bond Company,* 367 S.W.3d. 632 (Mo. App. W.D. 2012).

17. As of July 28, 2016, the Judgment of Bond Forfeiture entered in Case No. 11VE-CR00290-01 remains unsatisfied.

18. As general bail bond agent, Robison authorized Power of Attorney number 9540 for a $2,000.00 bond as surety for defendant John D. Brooks ("Brooks"). *State v. John D. Brooks*, Jackson Co. Cir. Ct., Case No. 140006078. The Power of Attorney form number 9540 for Brooks's bond is dated July 17, 2015 with bail bond agent A. W. Degase ("Degase") as the "Executing Agent." *Id.*

19. As general bail bond agent, Robison authorized Power of Attorney number 9541 for a $2,000.00 bond as surety for defendant Brooks. *State v. John D. Brooks*, Jackson Co. Cir. Ct., Case No. 140006079. The Power of Attorney form number 9541 for Brooks's bond is dated July 17, 2015 with bail bond agent Degase as the "Executing Agent." *Id.*

20. As general bail bond agent, Robison authorized Power of Attorney number 9539 for a $2,000.00 bond as surety for defendant Brooks. *State v. John D. Brooks*, Jackson Co. Cir. Ct., Case No. 140006080. The Power of Attorney form number 9539 for Brooks's bond is dated July 17, 2015 with bail bond agent Degase as the "Executing Agent." *Id.*

21. The Jackson County Circuit Court bail bond forms in Case Nos. Case Nos. 140006078, 140006079, and 140006080 state, in relevant part:

> KNOW ALL MEN BY THESE PRESENTS, that I/we John Brooks[5] the defendant as principal, and Bryan Robison GA/A.W. Degase, as surety, acknowledge that I/we owe and are bound unto the State of Missouri in the full penal sum of $2,000.00 [ ], for the payment of which I/we bind myself/ourselves, my/our heirs, executors, administrators and assigns to be levied of my/our goods and chattels, land and tenements, and unto the said State rendered, upon the condition hereinafter set out, and in further security for the performance of this bond I, the defendant have deposited in the registry of this Court[.]

22. On November 17, 2015, warrants were issued for Brooks because he failed to

[5] The underlined portions of this paragraph are handwritten in on the original bail bond forms filed with the court in *State v. John D. Brooks*, Jackson Co. Cir. Ct. Case Nos. 140006078, 140006079, and 140006080.

appear for a November 12, 2015 hearing in Case Nos. 140006078, 140006079, and 140006080. *See State v. John D. Brooks*, Jackson Co. Cir. Ct., Case Nos. 140006078, 140006079, and 140006080.

23. On February 16, 2016, the Jackson County Prosecuting Attorney filed motions for forfeiture of surety bonds in Case Nos. 140006078, 140006079, and 140006080. *Id.*

24. On February 17, 2016, the Jackson County court clerk sent Robison Notices of Hearing at P.O. Box 518 Hillsboro, Missouri 63050[6] to notify Robison of the March 24, 2016 hearing regarding the motions for bond forfeiture. *Id.*

25. On March 24, 2016, the court entered Judgments and Orders for Forfeiture of Surety Bonds in Case Nos. 140006078, 140006079, and 140006080 against Robison as surety in the amount of $2,000.00 in each case, totaling $6,000.00. *Id.*

26. On March 24, 2016, the Jackson County Circuit Court served upon Robison copies of the Judgments and Orders of Forfeiture of Surety Bonds in *State v. John D. Brooks*, Jackson Co. Cir. Ct., Case Nos. 140006078, 140006079, and 140006080.

27. Robison did not file a motion to set aside or otherwise contest the Jackson County Judgments and Orders for Forfeiture of Surety Bonds entered against him in *State v. John D. Brooks*, Jackson Co. Cir. Ct., Case Nos. 140006078, 140006079, and 140006080 within thirty days after the judgments were entered and therefore the judgments are final. Mo. Sup. Ct. Rule 81.05(a)(1). Once the judgments became final, Robison was obligated to satisfy the judgments. *State v. Michael R. Thomas Bail Bond Company,* 367 S.W.3d. 632 (Mo. App. W.D. 2012).

28. As of July 28, 2016, the Judgments and Orders for Forfeiture of Surety Bonds in Case Nos. 140006078, 140006079, and 140006080 remain unsatisfied.

29. On April 12, 2016, the Department received Robison's General Bail Bond Affidavit ("April General Bail Bond Affidavit")[7] in which Robison marked that

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[6] The Jackson County court sent the Notices of Hearing to P.O. Box 518, Hillsboro, Missouri 63050, instead of P.O. Box 2518, Hillsboro, Missouri 63050. *State v. John D. Brooks*, Jackson Co. Cir. Ct. Case Nos. 140006078, 140006079, 14000680. The judgments entered on March 24, 2016 have Robison's address listed as P. O. Box 2518, Hillsboro, Missouri 63050. Robison included the judgments entered against him in *State v. John D. Brooks*, Jackson Co. Cir. Ct. Case Nos. 140006078, 140006079, 14000680 on his April General Bail Bond Affidavit, which was signed, sworn and notarized before a notary public only a few days later on April 8, 2016. *See* ¶ 29.

[7] Robison submitted his General Bail Bond Affidavits pursuant to §374.760 RSMo (2000) that states "[e]ach general bail bond agent shall file, between the first and tenth day of each month, sworn affidavits with the department stating

there were unsatisfied judgments entered against him in the following cases:

> Case # 11VE-CR00290-01[8] County Vernon Amount 10000.00
> Date of Judgement 3/29/16
>
> Case # 140006078 140006079 140006080 County Jackson Co.
> Amount 2000.00 2000.00 2000.00 Date of Judgement 3/24/16

30. Robison signed under oath his April General Bail Bond Affidavit, after being duly sworn, before a notary public on April 8, 2016.

31. The Department also received General Bail Bond Affidavits from Robison on May 10, 2016 ("May General Bail Bond Affidavit"), June 10, 2016 ("June General Bail Bond Affidavit"), and July 12, 2016 ("July Bail Bond Affidavit"), which similarly disclosed the unsatisfied judgments in case numbers 11VE-CR00290-01, 140006078, 140006079 and 140006080.

32. Robison signed under oath his May, June, and July General Bail Bond Affidavits, after being duly sworn before a notary public on May 6, 2016, June 6, 2016, and July 8, 2016, respectively.

33. On July 14, 2016, the Department received a "Missouri Uniform Renewal Application for Bail Bond or Surety Recovery License" ("Renewal Application") from Robison.

34. "Part IV – Applicant Signature" of the Renewal Application states, in relevant part:

> I hereby certify that, under penalty of perjury, all of the information submitted in this application and attachments is true and complete. I am aware that submitting false information or omitting pertinent or material information in connection with this application is grounds for license revocation or denial of the license and may subject me to civil or criminal penalties.

35. Robison signed Part IV of the Renewal Application.

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that there are no unsatisfied judgments against him. Such affidavits shall be in the form and manner prescribed by the department."

[8] The underlined portions are handwritten on the original April General Bail Bond Affidavit filed with the Department.

36. Question E of "Part III – Background Information" of the Renewal Application asks, in relevant part, as follows:

> Do you have any outstanding forfeitures or unsatisfied judgments entered on any bail bond in any court of this state or the United States, or as a bail bond agent, have you written a bond that resulted in an outstanding forfeiture or unsatisfied judgment, or has a surety insurance company refused, revoked or cancelled their power-of-attorney?
>
> If YES, provide full, written explanation on a separate sheet of paper and any documents related to the matter.

37. Robison answered "Yes" to Question E.

38. "Part V – General Instructions" of the Renewal Application sets forth the "Instructions Applicable to All Renewal Applicants." Part V of the Renewal Application also contains a section captioned "General Bail Bond Agent Applicants - Individuals," and indicates that "[a]n applicant must comply with the qualifications established by Supreme Court Rule 33.17."

CONCLUSIONS OF LAW

39. Section 374.710 RSMo[9] provides, in relevant part:

> 1. Except as otherwise provided in sections 374.695 to 374.775, no person or other entity shall practice as a bail bond agent or general bail bond agent, as defined in section 374.700, in Missouri unless and until the department has issued to him or her a license, to be renewed every two years as hereinafter provided, to practice as a bail bond agent or general bail bond agent.
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> 4. Upon completion of said basic training or biennial continuing education and the licensee meeting the other requirements as provided under sections 374.695 to 374.789, the director shall issue a two-year license for the bail bond agent or general bail bond agent for a fee not to exceed one hundred fifty dollars.

[9] Within Missouri's Professional Bail Bondsman and Surety Recovery Agent Licensure Act. *See* § 374.695. All civil statutory references are to the Revised Statutes of Missouri (2000) as updated by the 2013 Supplement unless otherwise indicated.

40. Section 374.715.1 provides, in relevant part:

> 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 at 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...

41. Section 374.730 RSMo provides, in relevant part:

> All licenses issued to bail bond agents and general bail bond agents under the provisions of sections 374.700 to 374.775 shall be renewed biennially, which renewal shall be in the form and manner prescribed by the department and shall be accompanied by the renewal fee set by the department.

42. 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. 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.

43. Section 374.763 RSMo provides, in relevant part:

> 3. All duly licensed and qualified bail bond agents and general bail bond agents shall be qualified, without further requirement, to write bail upon a surety's liability in all courts of this state as provided in rules promulgated by the supreme court of Missouri and not by any circuit court rule.

44. Missouri Supreme Court Rule 33.17, regarding "Misdemeanors or Felonies – Bonds – Surety, Individual – Qualifications" provides, in relevant part:

> A person shall not be accepted as a surety on any bail bond unless the person:

* * *

(f) Has no outstanding forfeiture or unsatisfied judgment thereon entered upon any bail bond in any court of this state or of the United States.

45. Robison is disqualified for licensure as a general bail bond agent because he fails to meet the qualifications as a surety as set forth in Missouri Supreme Court Rule 33.17(f). Robison has $16,000.00 of unsatisfied judgments for four (4) bail bonds in two (2) separate circuit courts in Missouri. By his own admission in his April, May, June, and July General Bail Bond Affidavits, signed under oath and before notaries public, he has outstanding judgments in Case No. 11VE-CR00290-01 in Vernon County in the amount of $10,000.00 and Case Nos. 140006078, 140006079, and 140006080 in Jackson County in the total amount of $6,000.00.

46. Because Robison fails to meet the qualifications as a surety as set forth in Missouri Supreme Court Rule 33.17(f), as required by § 374.715.1 RSMo, the Director has no discretion and therefore must refuse to renew Robison's general bail bond agent license.

47. This Order is in accordance with the law and in the public interest.

ORDER

IT IS THEREFORE ORDERED that the general bail bond agent license renewal application of **Bryan Travis Robison** is hereby **REFUSED**.

SO ORDERED.

WITNESS MY HAND THIS 29th DAY OF JULY, 2016.

JOHN M. HUFF
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 30 days after the mailing of this notice pursuant to Section 621.120, RSMo. Pursuant to 1 CSR 15-3.290, unless you send your complaint by registered or certified mail, it will not be considered filed until the Administrative Hearing Commission receives it.

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CERTIFICATE OF SERVICE

I hereby certify that on this 29th day of July, 2016, a copy of the foregoing Order and Notice was served upon Bryan Travis Robison in this matter by United States Postal Service, certified mail, return receipt requested, signature required, at the following address:

Bryan Travis Robison
P.O. Box 43
Imperial, Missouri 63052

Tracking No. 7016 0340 0001 1319 7517

I hereby certify that on this 29th day of July, 2016, a copy of the foregoing Order and Notice was served upon Bryan Travis Robison in this matter by UPS, with signature required, electronic tracking, at the following address:

Bryan Travis Robison
2443 Waterfront Drive
Imperial, Missouri 63052

Tracking No. 1Z0R15W82999856322

Missouri Department of Insurance, Financial
Institutions and Professional Registration
301 West High Street, Room 530
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