STATE OF MISSOURI

MDCCCXX

DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION

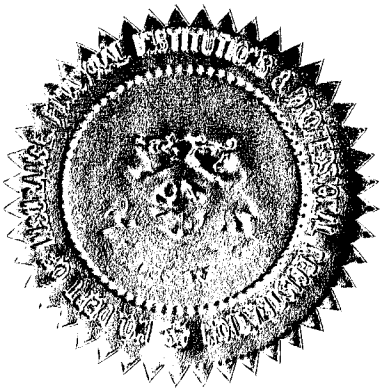
P.O. Box 690, Jefferson City, Mo. 65102-0690

IN RE:	**Absolute Surety, Inc.**	)	
		)	**Case No. 07-0122091C**
SERVE:	Absolute Surety, Inc.	)	
	261 East 6th Street	)	
	Lebanon, Missouri 65536	)	
	Telephone: (417) 588-4344	)	

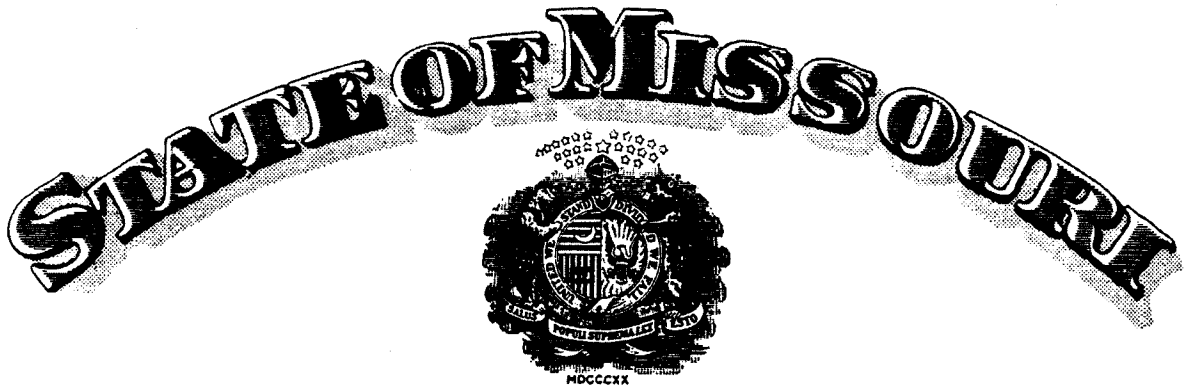
ORDER TO SHOW CAUSE WHY AN ORDER TO CEASE AND DESIST SHOULD NOT BE ISSUED

Pursuant to § 374.046, you are hereby ORDERED to show cause why the attached Order to Cease an Desist should not be issued. You are hereby notified that you are entitled to a public hearing before me if a request for a hearing is made in writing to me within fifteen (15) days from the date of the service of this Order to Show Cause. Absent such request, such Cease and Desist Order shall be issued, pursuant to Missouri law.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of my office in Jefferson City, Missouri, this 7th day of March, 2007.



Douglas M. Ommen, Director
Department of Insurance,
Financial Institutions &
Professional Registration
State of Missouri



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ORDER TO CEASE AND DESIST

On the 7th day of March, 2007, Tamara A. Wallace, counsel on behalf of the Consumer Affairs Division, submitted a Statement of Charges and requested a cease and desist order, monetary penalty, and other such relief as the Director deems just. After reviewing the petition, the Director of the Department of Insurance, Financial Institutions, and Professional Registration issues the following findings of fact, conclusions of law, and order.

Findings of Fact

1. Absolute Surety, Inc. ("Absolute Surety") is a duly registered corporation in the state of Missouri which engages in the business of bail bonding, and is licensed by the

Department of Insurance, Financial Institutions and Professional Registration as a general bail bond agency (License Number GC8004138).

2. The Director has the duty to administer Chapters 374, 375, and 379, RSMo, which includes the supervision, regulation, and discipline of general bail bond agents, agencies, and their agents licensed to operate and to do business in the state of Missouri.

3. On or about August 22, 2006, the Consumer Affairs Division of the Missouri Department of Insurance, Financial Institutions and Professional Registration sent letters to all general bail bond corporations, including Absolute Surety, advising them that to write surety bonds under a corporate name they needed to be licensed as an insurance company and meet all requirements for such or write for an insurance company. Alternatively, general bail bond corporations were advised they could forego the corporate structure and write surety as an individual.

4. On or about September 8, 2006, the Consumer Affairs Division held a meeting at the Harry S Truman State Office Building to answer questions and assist general bail bond corporations with the licensing change.

5. On October 5, 2006 the Consumer Affairs Division issued Bulletin 06-04: General Bail Bond Agent Corporations. Bulletin 06-04 outlines the general bail bond corporation licensing options.

6. Absolute Surety has failed to:

   a. Apply for a general bail bond agent license under an individual's name, or

   b. Register as an insurance company pursuant to § 379.010, RSMo.

7. Absolute Surety does not maintain a paid in capital of at least eight hundred thousand dollars ($800,000) and a surplus of at least eight hundred thousand dollars ($800,000).

8. Absolute Surety does not maintain a policyholder's surplus of at least one million six hundred thousand dollars ($1,600,000).

Conclusions of Law

9. The conduct of Absolute Surety, as described in the above findings of fact constitutions a violation of § 375.786, RSMo (2000).

10. Section 375.786, RSMo (2000), states, in pertinent part, that "[i]t shall be unlawful for any insurance company to transact insurance business in this state, as set forth in subsection 2, without a certificate of authority from the director; . . . ."

11. The conduct of Absolute Surety, as described in the above findings of fact constitutions a violation of § 375.161, RSMo (2000).

12. Section 375.161, RSMo (2000) states, in pertinent part, that "[n]o company shall transact in this state any insurance business unless it shall first procure from the director a certificate stating the requirements of the insurance laws of this state have been complied with authorizing it to do business, ..."

13. Section 379.010, RSMo (2000) provides, in pertinent part, that "persons . . . may associate and form a corporation . . . for the purpose of making insurance regarding . . . surety;"

14. The conduct of Absolute Surety, as described in the above findings of fact constitutions a violation of § 375.158, RSMo (2000).

15. Section 375.158, RSMo (2000) provides, in part, that "[n]o insurer shall engage in the business of insurance in this state without first complying with all the provisions of the laws of this state governing the business of insurance."

16. Section 379.010, RSMo (2000) provides, in pertinent part, that:

> 1. Any number of persons, not less than thirteen in number, a majority of whom shall be citizens of this state, may associate and form a corporation, association or company for the purpose of making insurance regarding the following classes:
>
> . . .
>
> (3) Fidelity and surety;

17. Section 379.010, RSMo (2000) further states, in part, that:

> 2. No company shall commence business or make insurance on one of the classes of insurance named in subsection 1 of this section unless, if it is a stock company, it has and maintains a paid in capital of at least eight hundred thousand dollars and a surplus of at least eight hundred thousand dollars or, if it is a mutual company, it has and maintains a policyholder's surplus of at least one million six hundred thousand dollars.

18. Section 375.161, RSMo (2000) states, in pertinent part, that "[n]o company shall transact in this state any insurance business unless it shall first procure from the director a certificate stating the requirements of the insurance laws of this state have been complied with authorizing it to do business, ..."

ORDER

NOW, THEREFORE, it is hereby ordered that Absolute Surety, Inc., and any of its officers, directors, managers, affiliates, agents, sub-agents, employees and all persons participating with them or acting in concert with them, whether in their names or other names or entities are prohibited from:

A. Engaging in violations of § 375.786, RSMo (2000) by transacting the business of insurance in this state with neither a certificate of authority from the Director nor under any exception from authorization set forth in § 375.786, RSMo (2000).

B. Engaging in violations of § 375.161, RSMo (2000) by failing to first obtain from the Director, a certificate stating the requirements of the insurance laws of this state have been complied with and authorizing Absolute Surety, Inc. to engage in the business of insurance, prior to engaging in the business of insurance in this state.

C. Engaging in violations of § 375.158, RSMo (2000) by engaging in the business of insurance without first complying with all the laws of this state governing the business of insurance.

IT IS FURTHER ORDERED that Absolute Surety, Inc. will be ordered to pay a fine or forfeiture and reasonable investigation costs after a hearing on this matter pursuant to § 374.046, RSMo (Supp. 2006).

SO ORDERED.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of my office in Jefferson City, Missouri, this_____day of _____, 2007.

_____

Douglas M. Ommen, Director
Department of Insurance,
Financial Institutions &
Professional Registration
State of Missouri