

BEFORE THE ADMINISTRATIVE HEARING COMMISSION  
STATE OF MISSOURI

**FILED**  
MAR 21 2007  
ADMINISTRATIVE HEARING  
COMMISSION

**DOULGAS M. OMMEN, Director,** )  
**Missouri Department of Insurance,** )  
**Financial Institutions and Professional** )  
**Registration,** )  
 )  
**Petitioner,** )  
 )  
**vs.** )  
 )  
**C & M Bonding, Inc.,** )  
 )  
**Respondent.** )  
 )

**Case No.: 06-1630 DI**

**PETITIONER'S MOTION FOR LEAVE TO AMEND COMPLAINT**

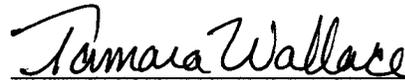
Petitioner, Douglas M. Ommen, director of the Missouri Department of Insurance, Financial Institutions and Professional Registration, through counsel, and pursuant to 1 CSR 15-3.350 hereby moves for leave to amend Petitioner's Complaint. In support thereof, Petitioner states as follows:

1. Petitioner filed a Complaint on November 15, 2006, with the Administrative Hearing Commission alleging that sufficient cause exists for disciplining Respondent's insurance producer license.
2. Petitioner has determined that there are additional grounds for cause to discipline Respondent's license that were not pleaded in the Complaint filed on November 15, 2006. (See Exhibit A, attached hereto).
3. Petitioner hereby requests that the Commission deem Petitioner's First Amended Complaint as filed in this case.
4. This motion is made in the interest of justice and not with the intent to hinder these

proceedings in any manner.

**WHEREFORE**, Petitioner respectfully requests that this Commission grant Petitioner's Motion for Leave to Amend.

Respectfully submitted,



Tamara A. Wallace  
Missouri Bar # 59020  
Missouri Department of Insurance, Financial  
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301 West High Street, Room 530  
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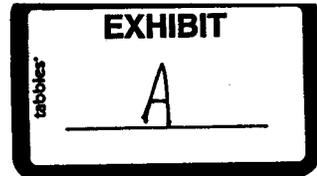
ATTORNEY FOR PETITIONER  
Douglas M. Ommen, Director  
Missouri Department of Insurance, Financial  
Institutions & Professional Registration

**CERTIFICATE OF SERVICE**

The undersigned counsel hereby certifies that a true and correct copy of the foregoing was mailed first class, with sufficient postage attached, via the United States Postal Service on this 21st day of March, 2007, to:

Cody Ice, President of C & M  
Bonding, Inc.  
180 North Street  
Houston, Missouri 65483-0050  
Telephone: (417) 967-3416

  
Tamar Wallace



BEFORE THE ADMINISTRATIVE HEARING COMMISSION  
STATE OF MISSOURI

DOUGLAS M. OMMEN, Director )  
Department of Insurance, Financial )  
Institutions & Professional Registration )  
State of Missouri, )  
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Petitioner, )  
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vs. )  
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C & M BONDING, INC., )  
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Respondent. )  
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Case No.: 06-1630 DI

RECEIVED  
MAR 21 2007  
Administrative Hearing Commission

**PETITIONER'S FIRST AMENDED COMPLAINT**

Douglas M. Ommen, Director of the Missouri Department of Insurance, Financial Institutions, and Professional Registration, through counsel, complains and requests the Administrative Hearing Commission find that cause exists for disciplinary action against Respondent, C & M Bonding, Inc., because:

**INFORMATION RELEVANT TO ALL COUNTS**

1. Petitioner is the Director of the Missouri Department of Insurance, Financial Institutions, and Professional Registration (hereinafter "the Director"), whose duties include, pursuant to RSMo Chapters 374 and 375, the regulation, supervision, and discipline of general bail bond agents.
2. The Missouri Department of Insurance, Financial Institutions, and Professional Registration (hereinafter "the Department") issued Respondent a general bail bond agent license (License Number GC8004376) on August 7, 1997. Respondent's license is currently active and is set to expire on August 7, 2007.

3. Respondent is a corporation registered with the Missouri Secretary of State (Charter Number 00437710).

4. The Department issued a bail bond agent license (License Number BB303964) to Cody W. Ice, President of Respondent company on September 26, 1984. Mr. Ice's bail bond agent license is currently active and set to expire on September 26, 2007.

5. The Commission has jurisdiction over this Complaint pursuant to § 621.045, RSMo (Cum. Supp. 2005).

### COUNT I

6. Respondent has obtained or attempted to obtain compensation as a bail bond agent by means of fraud, deception, or misrepresentation, a ground for discipline of Respondent's general bail bond agent license pursuant to § 374.755.1(4), RSMo (Cum. Supp. 2005).

7. The facts are as follows:

- a. At all times relevant to this complaint, Philip Jeffrey Stillwell was working as a bail bond agent under Respondent.
- b. On or about June 28, 2004, Anthony J. Mottin was being held at the Camden County Jail awaiting prosecution for first degree robbery, second degree assault, and armed criminal action. The Camden County Circuit Court set bond at two hundred fifty thousand dollars (\$250,000.00). The Camden County Circuit Court set an additional cash-only bond of five thousand dollars (\$5,000.00) when Mr. Mottin was charged with damaging jail property.

- c. On or about June 28, 2004, Mr. Mottin met with Mr. Stillwell at the Camden County Jail where Mr. Stillwell agreed to post the necessary funds to secure Mr. Mottin's release from the Camden County Jail.
- d. On or about June 28, 2004, Mr. Stillwell posted the necessary security for Mr. Mottin to be released on the two hundred fifty thousand dollars (\$250,000.00) bond. Mr. Stillwell signed the bond form as Respondent's agent. Mr. Stillwell did not post the five thousand dollars (\$5,000.00) cash bond at that time.
- e. On or about June 29, 2004, Mr. Mottin appointed Mr. Stillwell to serve as his attorney-in-fact to receive, endorse, and collect the following checks on Mr. Mottin's behalf:
  - i. Southern Illinois Carpenters Annuity Fund check #2305, dated June 22, 2004, in the amount of nine thousand, three hundred fifty-nine dollars and eighteen cents (\$9,359.18);
  - ii. United States Treasury tax refund check #2306 39199718, dated April 30, 2004, in the amount of three thousand, ten dollars (\$3,010.00).
- f. On or about June 29, 2004, the two previously mentioned checks appear to have been endorsed by "Philip J. Stillwell Attny In Fact for Anthony Mottin under durable POA Date 6/29/04".
- g. On or about July 3, 2004, Mr. Stillwell posted a cash bond, in his own name, not as an agent of Respondent, in the amount of five thousand dollars (\$5,000.00) for Mr. Mottin's release.
- h. Due to separate criminal charges in the State of Illinois, Mr. Mottin was not released from the Camden County Jail at that time.

- i. Approximately twelve (12) days after posting the five thousand dollar (\$5,000.00) cash bond, Respondent or Mr. Ice revoked both bonds without refunding any portion of the funds provided by Mr. Mottin.
  - j. Mr. Mottin's counsel, Vanessa Antoniou (Missouri Bar # 40844), attempted to contact C & M Bonding, Inc. in order to obtain a refund of the amounts paid by Mr. Mottin.
  - k. Ms. Antoniou notified the Department, via letter dated July 3, 2005, of Respondent's failure to refund Mr. Mottin's money and Respondent's refusal to communicate with her or Mr. Mottin.
  - l. To date, Respondent, nor Mr. Ice, nor Mr. Stillwell, has refunded any portion of the funds paid to them by Mr. Mottin.
8. As a result, sufficient grounds exist for disciplining Respondent's general bail bond agent license pursuant to § 374.755.1(4), RSMo (Cum. Supp. 2005).

## COUNT II

9. Respondent failed to satisfy multiple bond forfeiture judgments within six (6) months of the judgment, a ground for discipline of Respondent's license under § 374.755.1(6), RSMo (Cum. Supp. 2005).
10. The facts are as follows
- a. The following bond forfeiture judgments were issued by the Circuit Court of Texas County:
    - i. Case Number CR900-89M, bond forfeiture judgment in the amount of five thousand dollars (\$5,000.00) entered on August 12, 2005.

- ii. Case Number CR901-803F, bond forfeiture judgment in the amount of five thousand dollars (\$5,000.00) entered on August 12, 2005.
  - iii. Case Number CR905-715F, bond forfeiture judgment in the amount of fifty thousand dollars (\$50,000.00) entered on July 26, 2006.
  - iv. Case Number CR905-716F, bond forfeiture judgment in the amount of seven thousand dollars (\$7,000.00) entered on July 26, 2006.
  - v. Case Number CR905-717F, bond forfeiture judgment in the amount of fifty thousand dollars (\$50,000.00) entered on July 26, 2006.
  - vi. Case Number CR905-718F, bond forfeiture judgment in the amount of seven thousand dollars (\$7,000.00) entered on July 26, 2006.
- b. Respondent failed to satisfy such judgments within six (6) months of judgment.
  - c. The forfeiture judgments associated with case numbers CR900-89M and CR901-803F were satisfied on October 13, 2006.

11. As a result, sufficient grounds exist for disciplining Respondent's general bail bond agent license pursuant to §§ 374.763.1 and 374.755.1(6), RSMo (Cum. Supp. 2005).

**WHEREFORE**, based on the foregoing, Petitioner respectfully requests that the Commission make findings of fact and conclusions of law stating that Petitioner has established cause to discipline Respondent's general bail bond agent license under §§ 374.755.1(4) and 374.755.1(6), RSMo (Cum. Supp. 2005).

Respectfully submitted,

  
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Tamara A. Wallace  
Missouri Bar # 59020  
Enforcement Counsel  
Missouri Department of Insurance, Financial  
Institutions & Professional Registration  
301 West High Street, Room 530  
Jefferson City, Missouri 65101  
(573) 751-2619

ATTORNEY FOR PETITIONER  
Douglas M. Ommen, Director  
Missouri Department of Insurance, Financial  
Institutions & Professional Registration

**CERTIFICATE OF SERVICE**

The undersigned counsel hereby certifies that a true and correct copy of the foregoing was mailed first class, with sufficient postage attached, via the United States Postal Service on this 21st day of March, 2007, to:

Cody Ice, President of C & M  
Bonding, Inc.  
180 North Street  
Houston, Missouri 65483-0050  
Telephone: (417) 967-3416

A handwritten signature in cursive script that reads "Tamara Wallace". The signature is written in black ink and is positioned to the right of the recipient's address. A horizontal line is drawn beneath the signature.