

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

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

In RE:)
)
John Wesley Garrett,) Case No. 121210627C
)
Respondent.)

CONSENT ORDER

John M. Huff, Director of the Department of Insurance, Financial Institutions and Professional Registration, takes up the above-referenced matter for consideration and disposition. The Consumer Affairs Division, through counsel, Tamara W. Kopp, and Respondent John Wesley Garrett, through counsel, Ross Nigro, have reached a settlement in this matter and have consented to the issuance of this Consent Order.

1. John M. Huff is the duly appointed Director of the Missouri Department of Insurance, Financial Institutions and Professional Registration ("Director" of the "Department") whose duties, pursuant to Chapters 374 and 375

RSMo,¹ include supervision, regulation and discipline of insurance producers, business entity producers, bail bond agents, and general bail bond agents.

2. The Consumer Affairs Division (“Division”) of the Department has the duty of conducting investigations into the unfair or unlawful acts of insurance producers, companies, bail bond agents, and general bail bond agents under the insurance laws of this state and is authorized to initiate actions before the Director to enforce the insurance laws of this state. *See* §§ 374.190 and 374.764.

3. On April 2, 1996, John Wesley Garrett (“Garrett”) pled guilty to the Class D Felony of Unlawful Use of a Weapon, in violation of § 571.030.1(4) RSMo (Supp. 1995) (“1996 felony guilty plea”). The court suspended the imposition of sentence and placed Garrett on one year probation. Garrett was discharged from probation on August 28, 1997. *State v. John W. Garrett*, Jackson Co. Cir. Ct., Case No. CR96-1141.

4. The Department issued Garrett a bail bond agent license (No. 0305064) on July 18, 1997. The Department subsequently renewed Garrett’s bail bond agent license until the Director refused to renew Garrett’s bail bond agent license on October 15, 2007 because Garrett had pled guilty to a felony in 1996 and failed to disclose the 1996 felony guilty plea on his 2007 Renewal Application. *State v. John W. Garrett*, Jackson Co. Cir. Ct., Case No. CR96-1141; *In the Matter of John Wesley Garrett*, Case No. 07A000468, Refusal to Renew Bail Bond Agent License (“2007 Refusal”).

¹ All statutory references are to the 2012 Supplement to the Revised Statutes of Missouri unless otherwise noted.

5. On or about July 31, 2012, Garrett submitted a Missouri Uniform Application for Bail Bond or Surety Recovery License ("2012 Application") to the Department. Garrett disclosed the 1996 felony guilty plea on the 2012 Application.

6. Amiri C. Hornsby is licensed by the Department as a general bail bond agent (No. 0310622), and intends to employ Garrett as a bail bond agent and supervise Garrett's bail bond agent activities in accordance with this Consent Order.

7. 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:

* * *

(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;

* * *

(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[.]

8. Garrett acknowledges and understands that the Director may refuse or discipline Garrett's bail bond agent license pursuant to § 374.755.1(6) because Garrett violated a provision of or obligation imposed by the laws of this state when

he committed the Class D Felony of Unlawful Use of a Weapon in violation of § 571.030.1(4) RSMo (Supp. 1995).

9. Garrett acknowledges and understands that the Director may refuse or discipline Garrett's bail bond agent license pursuant to § 374.755.1(3) because, by failing to disclose the 1996 felony guilty plea on the 2007 Renewal Application, Garrett used fraud, deception, and misrepresentation in attempting to secure a bail bond agent license.

10. Garrett acknowledges and understands that he has the right to consult counsel at his own expense.

11. This Consent Order is entered pursuant to § 374.046. As such, any interested person aggrieved by this Consent Order may request a hearing before the Director or review of this Consent Order in a circuit court under § 374.055. Although under the Department's interpretation of the relevant statutes, review of this Consent Order by the Administrative Hearing Commission is not available, Garrett nevertheless may have the right, under § 621.045, to submit this Consent Order to the Administrative Hearing Commission for a determination that the facts agreed to in this Consent Order constitute grounds to refuse or discipline Garrett's license.

12. Garrett stipulates and agrees to waive any waivable rights that he may have to a hearing before the Administrative Hearing Commission, the Director, and any rights to seek judicial review or other challenge or contest of the terms and conditions of this Consent Order and forever releases and holds harmless the

Department, the Director and his agents, and the Consumer Affairs Division from all liability and claims arising out of, pertaining to, or relating to this matter.

13. Each signatory to this Consent Order certifies by signing that he or she is fully authorized, in his or her own capacity, or by the named party he or she represents, to accept the terms and provisions of this Consent Order in their entirety, and agrees, in his or her personal or representational capacity, to be bound by the terms of this Consent Order.

Conclusions of Law

14. The admissions made by Garrett and outlined in this Consent Order are grounds to refuse or discipline Garrett's Missouri bail bond agent license pursuant to § 374.755.1(3) and (6).

15. The Director may impose orders in the public interest under § 374.046.

16. The terms set forth in this Consent Order are an appropriate disposition of this matter and entry of this Consent Order is in the public interest.

ORDER

IT IS ORDERED that the Department of Insurance, Financial Institutions and Professional Registration will issue John Wesley Garrett's bail bond agent license subject to the terms set forth in this Consent Order.

Terms

IT IS ORDERED that John Wesley Garrett's employer and general bail bond agent, Amiri C. Hornsby (License No. 0310622), shall supervise John Wesley Garrett's compliance with the terms of this Consent Order and report any violations

of the terms of this Consent Order to the Consumer Affairs Division within five business days of becoming aware of Wesley's violation of the terms of this Consent Order, shall maintain a system of procedures reasonably designed to detect any failure of John Wesley Garrett to comply with this Consent Order, and shall maintain active licensure in good standing while supervising John Wesley Garrett. Should Hornsby cease to be Garrett's employer and/or general bail bond agent, both Hornsby and Garrett shall report such to the Consumer Affairs Division within five business days of the change.

IT IS ORDERED that John Wesley Garrett shall report to the Consumer Affairs Division any violation of or failure to comply with the laws set forth in Chapters 374 and 375, RSMo, and the regulations promulgated thereunder, within five business days of such violation or failure to comply.

IT IS ORDERED that John Wesley Garrett shall report to the Consumer Affairs Division any probation violation, probation revocation, arrest, citation, guilty plea, nolo contendere plea, finding of guilt or conviction concerning a felony, misdemeanor, or crime of moral turpitude, within five business days of such arrest, citation, plea, order, or finding.

IT IS ORDERED that John Wesley Garrett shall report to the Consumer Affairs Division any administrative action undertaken or initiated against Garrett in another jurisdiction or by another governmental agency in this state within five business days after Garrett receives notification of the initiation of such administrative action.

IT IS ORDERED that for five years subsequent to the date of this executed Consent Order, John Wesley Garrett will voluntarily surrender his license to the Department within 30 days of Garrett's entry of a guilty plea, nolo contendere plea, finding of guilt or conviction for a felony or crime of moral turpitude, including drug or alcohol offenses.

IT IS ORDERED that for five years subsequent to the date of this executed Consent Order, John Wesley Garrett will voluntarily surrender his license to the Department within 30 days of Garrett's entry of a guilty plea, nolo contendere plea, finding of guilt or conviction for any felony or for any financial offense, regardless of whether the crime is a felony or crime of moral turpitude.

IT IS ORDERED that if John Wesley Garrett maintains his bail bond agent license beyond the initial term and complies with the terms of this Consent Order, Garrett may apply to renew his license and the Director shall consider the renewal application in accordance with Chapter 374 without regard to Garrett's 1996 felony guilty plea, the underlying conduct, or Garrett's failure to report the 1996 felony guilty plea on the 2007 Renewal Application.

IT IS ORDERED that the terms of this Consent Order, as listed above, will terminate five years subsequent to the date of this executed Consent Order.

IT IS ORDERED that the Director may pursue additional legal remedies, as necessary and without limitation, as authorized by Chapters 374 and 375, RSMo, for violations of this Consent Order or Missouri's laws.

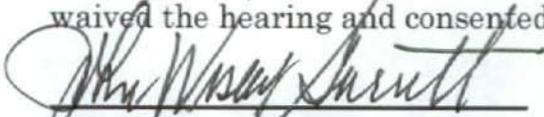
SO ORDERED, SIGNED AND OFFICIAL SEAL AFFIXED THIS 5TH DAY OF MARCH, 2013.




JOHN M. HUFF, Director
Missouri Department of Insurance,
Financial Institutions and
Professional Registration

CONSENT AND WAIVER OF HEARING

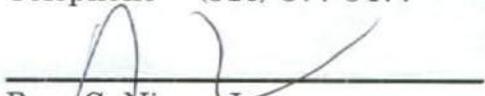
The undersigned persons understand and acknowledge that Respondent John Wesley Garrett may have the right to a hearing, but that John Wesley Garrett waived the hearing and consented to the issuance of this Consent Order.



John Wesley Garrett
Respondent

2-25-13
Date

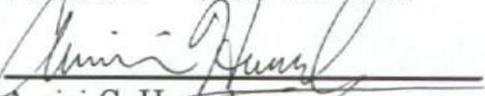
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Telephone: (816) 377-5477



Ross C. Nigro, Jr.

2-28-13
Date

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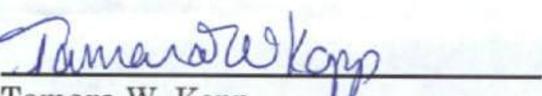
Amiri C. Hornsby

2-25-13
Date

License No. 0310622
2505 East 39th Street
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Telephone: (816) 921-5500

Counsel for Amiri C. Hornsby
Missouri Bar No.

Date



Tamara W. Kopp

3-5-13
Date

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