



DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION

In RE: P.O. Box 690, Jefferson City, Mo. 65102-0690)
)
John Wesley Garrett,) **Case No. 150303172C**
)
Respondent.)

FIRST AMENDED 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 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

¹ All statutory references are to the 2013 Supplement to the Revised Statutes of Missouri unless otherwise noted.

to investigate and recommend enforcement action for violations of 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”).

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. On or about March 5, 2013, the Department issued Garrett a bail bond agent license pursuant to a Consent Order which required, *inter alia*, supervision by general bail bond agent Amiri C. Hornsby. *In RE John Wesley Garrett*, DIFP Case No. 121210627C.

7. On or about March 4, 2015, Garrett submitted a Missouri Uniform Application for Bail Bond or Surety Recovery License (“2015 Application”) to the Department and requested an

amendment to the Consent Order wherein Mikaela Plante would serve as Garrett's supervising general bail bond agent.

8. General bail bond agent 1st ASAP Bail Bonds, Inc. through its president Mikaela Plante, (General Bail Bond Agent License No. 8078523 and Bail Bond Agent License No. 0303128) agrees to replace Amiri C. Hornsby as Garrett's supervising general bail bond agent.

9. 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[.]

10. 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).

11. 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.

12. Garrett acknowledges and understands that he has the right to consult counsel at his own expense and Garrett has retained Ross Nigro as counsel.

13. Garrett further acknowledges that he has been advised that he may, either at the time the Consent Order is signed by all parties, or within 15 days thereafter, submit the Consent Order to the Missouri Administrative Hearing Commission for determination that the facts agreed to by the parties to the Consent Order constitute grounds to discipline Garrett's license.

14. Except as provided in paragraph 13 above, Garrett stipulates and agrees to waive any waivable rights that he may have to a hearing before the Missouri Administrative Hearing Commission or 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 Division from all liability and claims arising out of, pertaining to, or relating to this matter.

15. Garrett acknowledges and understands that this Consent Order is an administrative action and will be reported by the Department to other states. Garrett further acknowledges and understands that this administrative action should be disclosed on future applications and renewal applications in this state and in other jurisdictions and that it is his responsibility to comply with the reporting requirements of each state in which it is licensed.

16. Garrett and the Division desire to settle the allegations raised by the Division.

17. On or about March 26, 2015, counsel for the Division provided a written description of the specific conduct for which discipline was sought and a citation to the law and rules allegedly violated, together with copies of any documents upon which it based the allegations, and the Division's settlement offer, namely, this Consent Order, in accordance with § 621.045.4(1). Counsel for the Division further advised Garrett that he had sixty (60) days to

review the relevant documents and consider the proposed settlement offer in accordance with § 621.045.4(2).

18. 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

19. 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).

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

21. 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 former employer and general bail bond agent, Amiri C. Hornsby (License No. 0310622) is released from the supervision obligation contained in the Consent Order issued March 5, 2015.

IT IS ORDERED THAT general bail bond agent 1st ASAP Bail Bonds, Inc., through its president, Mikaela Plante, shall supervise Garrett's compliance with the terms of this Consent Order and report any violations of the terms of this Consent Order to the Division within five (5)

business days of becoming aware of Garrett's violation of the terms of this Consent Order, shall maintain a system of procedures reasonably designed to detect any failure of Garrett to comply with this Consent Order, and shall maintain active licensure in good standing while supervising Garrett. Should 1st ASAP Bail Bonds, Inc. or Plante no longer be willing to be Garrett's employer, general bail bond agent or no longer be willing to supervise Garrett and his compliance with this Consent Order, 1st ASAP Bail Bonds, Inc., through Plante, shall notify the Division and the parties may seek a 2nd Amendment to this Consent Order, including, but not limited to a substitute supervising general bail bond agent. If 1st ASAP Bail Bonds, Inc. fails to maintain a Missouri general bail bond agent license in good standing, 1st ASAP Bail Bonds, Inc. is no longer qualified as a supervising general bail bond agent. Garrett is not authorized to engage in the bail bond business in Missouri if he does not have a qualified supervising general bail bond agent approved by the Director.

IT IS ORDERED that Garrett shall report to the 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 (5) business days of such violation or failure to comply.

IT IS ORDERED that Garrett shall report to the 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 (5) business days of such arrest, citation, plea, order, or finding.

IT IS ORDERED that Garrett shall report to the Division any administrative action undertaken or initiated against Garrett in another jurisdiction or by another governmental agency in this state within five (5) business days after Garrett receives notification of the initiation of such administrative action.

IT IS ORDERED that for two (2) years subsequent to the date of this executed Consent Order, Garrett will voluntarily surrender his license to the Department within thirty (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 two (2) years subsequent to the date of this executed Consent Order, Garrett will voluntarily surrender his license to the Department within thirty (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.

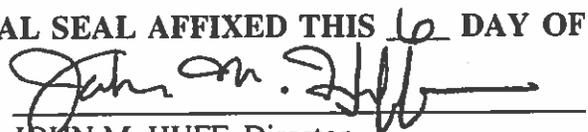
IT IS ORDERED that if Garrett maintains his bail bond agent license beyond the initial term and complies with the terms of this Consent Order, Garrett may apply to renew his license and the Director shall consider the renewal application in accordance with Chapter 374 without regard to Garrett's 1996 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 at the earlier of two (2) years subsequent to the date of this executed Consent Order or renewal of the license issued in accordance with this 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.

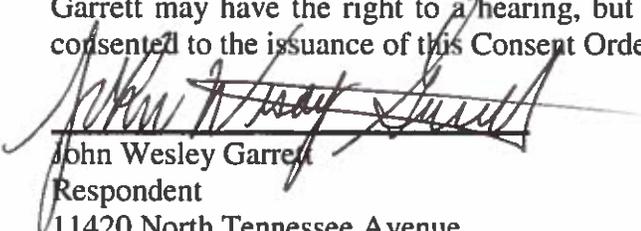
SO ORDERED, SIGNED AND OFFICIAL SEAL AFFIXED THIS 6 DAY OF April, 2015.




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

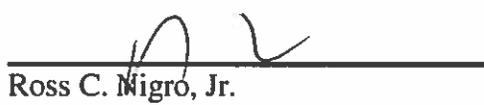
CONSENT AND WAIVER OF HEARING

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.



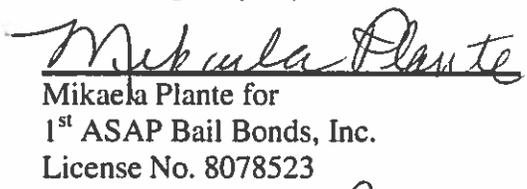
John Wesley Garrett
Respondent
11420 North Tennessee Avenue
Kansas City, Missouri 64157
Telephone: (816) 377-5477

3.30.15
Date



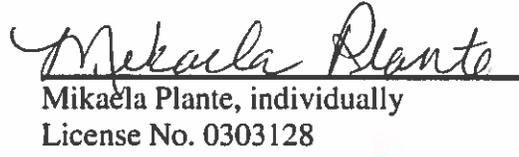
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Counsel for John Wesley Garrett
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Kansas City, Missouri 64111
Telephone: (816) 753-4830
Facsimile: (816) 753-3234

3-30-15
Date



Mikaela Plante for
1st ASAP Bail Bonds, Inc.
License No. 8078523

3-30-15
Date



Mikaela Plante, individually
License No. 0303128

3-30-15
Date



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4-6-15
Date