STATE OF MISSOURI

DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION

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

In RE:	)	
	)	
Raymond Plante,	)	Case No. 120224224C
	)	
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 Raymond Plante, 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. The Department issued Raymond Plante ("Plante") a bail bond agent license (No. 0302826) on November 21, 1995. On or about October 15, 2011, Plante submitted a Missouri Uniform Renewal Application for Bail Bond or Surety Recovery License form ("Application") to the Department. Such license expired November 21, 2011, and immediately prior to the execution of this Consent Order, the Application was pending.

4. The Department issued Respondent ASAP Bail Bonds, Inc. ("ASAP") a general bail bond corporation license (No. 8014127) on March 20, 2002. ASAP's license expired on March 20, 2011.

5. At all times relevant to this matter, Plante was the owner and president of ASAP.

6. Joshua Smith ("Smith") paid $11,000 to an ASAP agent to bond out of jail in February 2009. Smith paid ASAP by charging $11,000 to his American Express credit card.

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[1] All statutory references are to the 2011 Supplement to the Revised Statutes of Missouri unless otherwise noted.

7. Of the $11,000, $1,000 was ASAP's bond fee and $10,000 consisted of collateral.

8. When Smith met his court obligations on May 22, 2009, ASAP's obligation on the bond ceased, and Smith was therefore entitled to a return of the $10,000 collateral.

9. ASAP failed to set aside the $10,000 collateral in a separate account.

10. Smith contacted ASAP and was told it may take up to 90 days for the $10,000 to be credited back to his American Express card.

11. After 90 days passed and ASAP had not credited the $10,000 back to Smith's American Express card, Smith filed a complaint against ASAP with the Consumer Affairs Division on November 11, 2009.

12. In response to a letter of inquiry from a Department investigator, Plante wrote on December 6, 2009:

> Mr. Smith did pay in full with an American Express, unfortunately the money wasn't transferred to another account for savings; this is a mistake on our part, we intent [sic] to refund his money in full.

13. ASAP retained no receipts from the Smith transaction.

14. Section 374.719 provides, in part:

> 1. A licensee may accept collateral security from the principal in a fiduciary capacity, which collateral shall be returned upon final termination of liability on the bond. When a licensee accepts collateral, the licensee shall provide a prenumbered written receipt, which shall include a detailed account of the collateral received by the licensee. The acceptance of collateral security by a bail bond agent shall be reported to the general bail bond agent.
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> 2. The collateral security required by the licensee shall be reasonable in relation to the amount of the bond.

3. If a failure to appear, absconding or attempting to abscond, or a judgment of forfeiture on the bond has occurred, the collateral security may be used to reimburse the licensee for any costs and expenses incurred associated with the forfeiture.
4. The general bail bond agent shall retain records of the acceptance, return, or judgment of forfeiture resulting in the use of the collateral to reimburse the licensee for a period of three years.

15. 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:
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> * * *
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> (5) Misappropriation of the premium, collateral, or other things of value given to a bail bond agent or a general bail bond agent for the taking of bail, incompetency, misconduct, gross negligence, fraud, or misrepresentation in the performance of the functions or duties of the profession licensed or regulated by sections 374.695 to 374.775;

16. Incompetency means a general lack of professional ability, or lack of disposition to use an otherwise sufficient professional ability. *Johnson v. Missouri Bd. of Nursing Adm'rs*, 130 S.W.3d 619, 642 (Mo. App. 2004). The Administrative Hearing Commission has previously found cause for discipline for incompetency when a bail bond agent failed to return a bail bond deposit. *See Director of Ins. v. Girdner*, No. 99-3546 DI (Mo. Admin. Hrg. Comm'n April 19, 2000).

17. Plante acknowledges and understands that the Director may refuse to renew or discipline Plante's bail bond agent license pursuant to §374.755.1(5) for demonstrating incompetency in the performance of the functions or duties of the

profession licensed or regulated by §§374.695 to 374.775 through his involvement in the Smith transaction by failing to properly segregate Smith's collateral funds and keeping them available to promptly return the collateral to Smith once ASAP's obligation on the bond ceased, and by failing to properly maintain receipts.

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

19. Plante 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 Administrative Hearing Commission for a determination that the facts agreed to by the parties to the Consent Order constitute grounds for discipline or refusal of his bail bond agent license.

20. Except as provided in paragraph 19, above, Plante stipulates and agrees to waive any waivable rights that he may have to a hearing before the 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 Consumer Affairs Division from all liability and claims arising out of, pertaining to, or relating to this matter.

21. 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

22. The admissions made by Plante and outlined in this Consent Order are grounds to refuse to renew or discipline Plante's Missouri bail bond agent license pursuant to §374.755.1(5).

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

24. 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 renew Raymond Plante's bail bond agent license (No. 0302826) subject to the terms set forth in this Consent Order.

IT IS ORDERED that Raymond Plante's general bail bond agent, 1st ASAP Bail Bonds, Inc. President Mikaela Plante, (License No. 8078523) and Mikaela Plante, individually, (License No. 0303128), shall supervise Raymond Plante's compliance with the terms of this Consent Order and report any violations of the terms of this Consent Order, shall maintain a system of procedures reasonably designed to detect any failure of Raymond Plante to comply with this Consent Order, and shall maintain active licensure in good standing while supervising Raymond Plante.

IT IS ORDERED that Raymond Plante shall report to the Department of Insurance, Financial Institutions and Professional Registration 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 Raymond Plante shall report to the Department of Insurance, Financial Institutions and Professional Registration 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 for five years subsequent to the date of this executed Consent Order, Raymond Plante will voluntarily surrender his license to the Department within 30 days of Plante'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, Raymond Plante will voluntarily surrender his license to the Department within 30 days of Plante's entry of a guilty plea, nolo contendere plea, finding of guilt or conviction for any financial offense, regardless of whether the crime is a felony or crime of moral turpitude.

IT IS ORDERED that if Raymond Plante or Mikaela Plante, individually or as President of 1st ASAP Bail Bonds, Inc., violates or otherwise fails to comply with the terms and conditions of this Consent Order, the Director may pursue additional

legal remedies, as necessary and without limitation, as authorized by Chapters 374 and 375, RSMo.

SO ORDERED, SIGNED AND OFFICIAL SEAL AFFIXED THIS 14TH DAY OF MAY, 2012.

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 Raymond Plante may have the right to a hearing, but that Raymond Plante waived the hearing and consented to the issuance of this Consent Order.

Raymond C. Plante

5-5-12
Date

Raymond Plante
Respondent, License No. 0302826
2611 Matt Street
Harrisonville, Missouri 64701
Telephone: (816) 918-1590

5-7-12
Date

Ross C. Nigro, Jr.
Counsel for Raymond Plante
Missouri Bar No. 40525
606 West 39th Street
Kansas City, Missouri 64111
Telephone: (816) 753-4830
Facsimile: (816) 753-3234

Mikaela R. Plante

5-5-2012
Date

Mikaela Plante
Individually and as
President of 1st ASAP Bail Bonds Inc.
License Nos. 8078523 and 0303128
4008 East Truman Road
Kansas City, Missouri 64127
Telephone: (816) 842-1717

Mikaela R. Plante

5-5-2012
Date

Counsel for Mikaela Plante individually and
As President of 1st ASAP Bail Bonds Inc.
Missouri Bar No.
Address
Telephone:
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Tamara W Kopp

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5-11-12

Date