# State of Missouri

DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS & PROFESSIONAL REGISTRATION

| | | |
|---|---|---|
| IN RE: | ) | |
| | ) | Case No. 120210162C |
| Ray L. Vincent, | ) | |
| | ) | |
| Applicant. | ) | |

## ORDER REFUSING TO ISSUE BAIL BOND AGENT LICENSE

On March 14, 2012, the Consumer Affairs Division submitted a Petition to the Director alleging cause for refusing to issue Ray L. Vincent's bail bond agent license. After reviewing the Petition, the Investigative Report, and the entirety of the file, the Director issues the following findings of fact, conclusions of law, and summary order.

## FACTUAL BACKGROUND

1. Ray L. Vincent ("Vincent") is an individual residing in Missouri. His residence address is 3231 McConnell, Joplin, Missouri 64804, and his mailing address is P.O. Box 225, Pierce City, Missouri 65723.

2. The Department of Insurance, Financial Institutions and Professional Registration ("Department") previously licensed Vincent as a bail bond agent from April 21, 1987 through April 21, 1994 (License No 0303641).

3. On December 17, 2010, the Department received a Uniform Application for Bail Bond or Surety Recovery License ("Application") from Vincent. On April 11, 2011, the Application was complete when Vincent submitted additional documentation related to his criminal history.

4. On the Application, in Part III - "Background Information," Question B asks, "Have you ever been adjudicated, convicted, pled or found guilty of any misdemeanor or felony or currently have pending misdemeanor or felony charges filed against you? Applicants are required to report all criminal cases whether or not a sentence has been imposed, a suspended imposition of sentence has been entered or the applicant has pled nolo contendere (no contest)."

5. Vincent answered "Yes" to Background Question B and disclosed that he had been convicted of felony mail fraud in 1993 related to defrauding an insurance company by staging false automobile accidents. In response to Question B, Vincent failed to disclose a misdemeanor conviction for making a false police report in 1992.

6. Official records support the following:

   a. On May 4, 1992, Vincent pled guilty to misdemeanor making a false report. The court sentenced Vincent to six months in the Lawrence County, Missouri jail, suspended the execution of that sentence, and placed Vincent on two years probation. *State v. Ray L. Vincent*, Lawrence County, Missouri Associate Circuit Court, Case No. CR492-283F.

   b. On or about July 23, 1993, Vincent pled guilty to one count of felony mail fraud in violation of 18 U.S.C. §1341, thereby admitting that between September 19, 1990 and December 1990, he and others knowingly did devise and intend to devise a scheme and artifice to defraud and to obtain money and property by means of false and fraudulent pretenses and representations to an insurance company by arranging for an automobile accident to be staged in such a manner as to portray to an insurance company that an accident had occurred and that various individuals had suffered personal injury, and to make false claims on an insurance policy, and to facilitate this scheme by placing an unauthorized depository in the mail. The court sentenced Vincent to 12 months imprisonment, and ordered that he pay State Farm Insurance $18,275.48 restitution. After he served 12 months imprisonment, Vincent completed two years probation. *United States v. Ray Vincent*, United States District Court, Western District of Arkansas, Case No. 93-50025-01, Indictment and Judgment.

## JURISDICTION AND STATUTORY GROUNDS FOR REFUSAL

7. Section 374.715.1, RSMo Supp. 2011,[1] provides, in relevant part:

> Applications for examination and licensure as a bail bond agent or general bail bond agent shall be in writing and on forms prescribed and furnished by the department, and shall contain such information as the department requires. Each application shall be accompanied by proof satisfactory to the department that the applicant is a citizen of the United States, is at least twenty-one years of age, has a high school diploma or general

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

education development certificate (GED), is of good moral character, and meets the qualifications for surety on bail bonds as provided by supreme court rule.

8. Section 374.750 provides:

> The department may refuse to issue or renew any license required pursuant to sections 374.700 to 374.775 for any one or any combination of causes stated in section 374.755. The department shall notify the applicant in writing of the reasons for the refusal and shall advise the applicant of his right to file a complaint with the administrative hearing commission as provided by chapter 621.

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. Section 375.991 provides, in part:

> * * *
>
> 2. For the purposes of sections 375.991 to 375.994, a person commits a "fraudulent insurance act" if such person knowingly presents, causes to be presented, or prepares with knowledge or

belief that it will be presented, to or by an insurer, purported insurer, broker, or any agent thereof, any oral or written statement including computer generated documents as part of, or in support of, an application for the issuance of, or the rating of, an insurance policy for commercial or personal insurance, or a claim for payment or other benefit pursuant to an insurance policy for commercial or personal insurance, which such person knows to contain materially false information concerning any fact material thereto or if such person conceals, for the purpose of misleading another, information concerning any fact material thereto.

3. A "fraudulent insurance act" shall also include but not be limited to knowingly filing false insurance claims with an insurer[.]

* * *

6. A fraudulent insurance act for a first offense is a class D felony. Any person who pleads guilty to or is found guilty of a fraudulent insurance act who has previously pled guilty to or has been found guilty of a fraudulent insurance act shall be guilty of a class C felony.

11. Section 570.030.1 provides:

> 1. A person commits the crime of stealing if he or she appropriates property or services of another with the purpose to deprive him or her thereof, either without his or her consent or by means of deceit or coercion.

12. Vincent may be denied a bail bond agent license pursuant to §374.755.1(3) because by failing to disclose his 1992 misdemeanor conviction for making a false report, he used fraud, deception, or misrepresentation to attempt to secure a bail bond agent license. *See State v. Ray L. Vincent*, Lawrence County, Missouri Associate Circuit Court, Case No. CR492-283F.

13. Vincent may be denied a bail bond agent license pursuant to §374.755.1(6), for violations of "any provision of or any obligation imposed by the laws of this state." Vincent pled guilty to and was convicted of misdemeanor making a false report and felony mail fraud. A plea of guilty is an admission as to the facts alleged in the information. *See, e.g., Wallace v. State*, 308 S.W.3d 283, 286-7 (Mo. App. 2010); *Director of Public Safety v. Graham*, No. 08-1604 PO (Mo. Admin. Hrg. Comm'n April

9, 2009) (a plea of guilty is evidence of the conduct charged). *See State v. Ray L. Vincent*, Lawrence County, Missouri Associate Circuit Court, Case No. CR492-283F; *United States v. Ray Vincent*, United States District Court, Western District of Arkansas, Case No. 93-50025-01. Vincent's admitted conduct associated with the felony mail fraud conviction also constitutes a fraudulent insurance act in violation of §375.991 and stealing in violation of §570.030. Each violation of the law constitutes separate cause to refuse Vincent's bail bond agent license application.

14. The Director has considered Vincent's history and all of the circumstances surrounding Vincent's Application for licensure and exercises his discretion in refusing to issue Vincent's bail bond agent license. Vincent engaged in mail fraud which defrauded an insurance company while previously licensed as a bail bond agent by this Department, and he failed to disclose his entire criminal history on the Application, thereby attempting to obtain a license by material misrepresentation or fraud.

15. Granting Vincent's bail bond agent license would not be in the public interest.

16. This Order is in the public interest.

## ORDER

IT IS THEREFORE ORDERED that the bail bond agent license of Ray L. Vincent is hereby REFUSED.

SO ORDERED, SIGNED AND OFFICIAL SEAL AFFIXED THIS 26th DAY OF MARCH, 2012.

JOHN M. HUFF
DIRECTOR

## NOTICE

TO: Applicant and any unnamed persons aggrieved by this Order:

You may request a hearing in this matter. You may do so by filing a complaint with the Administrative Hearing Commission, P.O. Box 1557, Jefferson City, Missouri within 30 days after the mailing of this notice pursuant to §621.120, RSMo. Under 1 CSR 15-3.290, unless you send your complaint by registered or certified mail, it will not be considered filed until the Administrative Hearing Commission receives it.

## CERTIFICATE OF SERVICE

I hereby certify that on this 27th day of March, 2012, a copy of the foregoing Order and Notice was served upon the Applicant in this matter by regular and certified mail at the following addresses:

Ray L. Vincent
3231 McConnell
Joplin, Missouri 64804

Certified No. 7009 3410 0001 8931 2837

Ray L. Vincent
P.O. Box 225
Pierce City, Missouri 65723

Certified No. 7009 3410 0001 8931 2844

Kathryn Randolph

Kathryn Randolph, Paralegal
Missouri Department of Insurance,
Financial Institutions and Professional
Registration
301 West High Street, Room 530
Jefferson City, Missouri 65101
Telephone: 573.751.2619
Facsimile: 573.526.5492
Kathryn.Randolph@insurance.mo.gov