

DEPARTMENT OF COMMERCE AND INSURANCE

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

IN RE:

TIFFANY NICHOLE CHILTON,

Applicant.

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Case No. 1909190964C

ORDER REFUSING TO ISSUE A BAIL BOND AGENT LICENSE

CHLORA LINDLEY-MYERS, Director of the Missouri Department of Commerce and Insurance (“Director” of the “Department”), takes up the above matter for consideration and disposition. 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 order:

FINDINGS OF FACT

1. Tiffany Nichole Chilton (“Chilton”) is a Missouri resident with a mailing address of 57 Meadow Lake Circle, Eldon, MO 65026.
2. On or about July 25, 2019, the Department of Insurance, Financial Institutions and Professional Registration¹ received Chilton’s Missouri Uniform Application for Bail Bond or Surety Recovery License (“Application”), along with attachments.
3. Part V, the “Applicant Signature” section of the Application, states, in relevant part:

I hereby certify that, under penalty of perjury, all of the information submitted in this application and attachments is true and complete. I am aware that submitting false information or omitting pertinent or material information in connection with this application is grounds for license revocation or denial of the license and may subject me to civil or criminal penalties.

¹ The Department of Insurance, Financial Institutions and Professional Registration is the predecessor agency of the Department of Commerce and Insurance. See Executive Order 19-02.

4. Chilton signed the Application on July 17, 2019.
5. Part III, the Background Information section of the Application, 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).
6. Chilton answered “Yes” to Background Information Question B.
7. The documents that Chilton provided and the Consumer Affairs Division’s (“Division”) investigation showed that on December 13, 2017, Chilton pled guilty to the unclassified misdemeanor charge of Operating a Motor Vehicle Excess of 8-1/2 Feet in Width, in violation of § 304.170² and the class A misdemeanor charge of Littering – Physical Injury or Property Damage, in violation of § 577.070. She received a \$381.50 fine for the Littering Charge and a \$250.00 fine for the Operating a Motor Vehicle Excess of 8-1/2 Feet in Width charge.
8. The Division’s further investigation revealed that Chilton had entered a plea of guilty to a felony charge and failed to disclose this plea on her Application. On February 6, 2015, Chilton entered an *Alford* plea to one count of felony Arson in the Second Degree, in violation of § 569.050.³ *State v. Tiffany Nichole Chilton*, Ray Co. Cir. Ct., Case No. 12CR-CR00112-02. Also on February 6, 2015, the court suspended imposition of sentence and placed Chilton on probation for five years, with the added requirements that she complete a SATOP class and community service hours. *Id.*
9. On July 26, 2019, Division Special Investigator Kevin Davidson (“Davidson”) sent an inquiry letter to Chilton at her address of record. Davidson informed Chilton in this letter that she could withdraw her Application due to her failure to disclose her felony criminal history. The letter went on to say that if Chilton wished to continue with her Application, she would need to provide the Division with a letter stating her intent to continue with the Application process. Davidson also requested certified court records from Chilton’s felony criminal case and a detailed explanation of the offense, as well as an explanation of why the offense was not disclosed on her Application. The inquiry letter cited 20 CSR 100-4.100(2)(A) and stated, “your response is due within twenty days. Failure to respond could result in disciplinary action.”
10. On July 31, 2019, the Division received a response in the form of a letter from Chilton. Chilton indicated that her understanding was:

² All criminal statutory references are to the Revised Statutes of Missouri (2016) in effect at the time of the offense.

³ An *Alford* plea is a guilty plea that does not require the defendant to make an admission of guilt, but rather indicates that there exists “[a] strong factual basis for the plea[,] demonstrated by the State.” *North Carolina v. Alford*, 91 S. Ct. 160, 168-169 (1970).

“I was not convicted of a felony. By taking the Alford plea the conditions were to complete my probation and community service hours, my classes and pay my fees [sic] and then I would receive an SES [sic] therefore I would never be convicted of a felony as long as everything was completed.”

Chilton also indicated in this letter that she wished to continue the application process. She did not provide an explanation of the facts surrounding the arson charge.

11. It is inferable, and hereby found as fact, that Chilton failed to disclose her plea of guilty to the Class C Felony of Arson in the Second Degree in the hopes that the Director would remain unaware of her felony guilty plea within the past fifteen years and issue a license to her notwithstanding the fact that she is disqualified, by virtue of that plea, from holding a bail bond agent license.

CONCLUSIONS OF LAW

12. Section 374.715.1 RSMo 2016⁴ provides as follows:

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, has a high school diploma or general education development certificate (GED), is of good moral character, and meets the qualifications for surety on bail bonds as provided by Supreme Court rule. Each application shall be accompanied by the examination and application fee set by the department. Individuals currently employed as bail bond agents and general bail bond agents shall not be required to meet the education requirements needed for licensure pursuant to this section.

13. Section 374.750 RSMo provides as follows:

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.

14. Section 374.755.1, RSMo provides, in part, as follows:

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

⁴ All civil statutory references are to RSMo Supp. 2016 unless otherwise noted.

combination of the following causes:

* * *

(2) Final adjudication or a plea of guilty or nolo contendere within the past fifteen years in a criminal prosecution under any state or federal law for a felony or a crime involving moral turpitude whether or not a sentence is imposed, prior to issuance of license date;

(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; [or]

* * *

(6) Violation of any provision of or any obligation imposed by the laws of this state, department of commerce and insurance rules and regulations, or aiding or abetting other persons to violate such laws, orders, rules or regulations, or subpoenas[.]

15. Missouri Supreme Court Rule 33.17 provides, in part, as follows:

A person shall not be accepted as a surety on any bail bond unless the person:

* * *

(c) Has not, within the past 15 years, been found guilty of or pleaded guilty or nolo contendere to:

(1) Any felony of this state, any other state, or the United States; or

(2) Any other crime of this state, any other state, or the United States involving moral turpitude, whether or not a sentence was imposed[.]

16. By entering a plea of guilty to the Class C Felony of Arson in the Second Degree, in violation of § 569.050, RSMo within the past fifteen (15) years (Chilton pled guilty in 2015), Chilton is disqualified for bail bond agent licensure because she fails to meet the qualifications set forth in Missouri Supreme Court Rule 33.17(c)(1) and § 374.715.1. *State v. Tiffany Nichole Chilton*, Ray Co. Cir. Ct., Case No. 12CR-CR00112-01. The Director has no discretion when a person does not meet the minimum qualifications of a bail bond agent, and therefore must refuse to issue Chilton a bail bond agent license.

17. The Director may refuse to issue a bail bond agent license to Chilton under § 374.755.1(2), RSMo, because Chilton pled guilty within the past fifteen (15) years in a criminal prosecution under any state law for a felony, specifically, Chilton pled guilty in 2015 to

Arson in the Second Degree in violation of § 569.050. *State v. Tiffany Nichole Chilton*, Ray Co. Cir. Ct., Case No. 12CR-CR00112-01.

18. The Director may refuse to issue a bail bond agent license to Chilton under § 374.755.1(3), RSMo, for using fraud, deception, or misrepresentation in that Chilton failed to disclose on her Application that she had pled guilty to a felony, namely, Arson in the Second Degree.
19. The Director may refuse to issue a bail bond agent license to Chilton under § 374.755.1(6), RSMo, for a violation of the laws of this state, in that Chilton entered a plea of guilty to the felony charge of Arson in the Second Degree, in violation of § 569.050.⁵
20. Under Missouri Supreme Court Rule 33.17(c) and § 374.715.1, Chilton is disqualified for a bail bond agent license and, therefore, the Director has no discretion and must refuse to issue a bail bond agent license to Chilton.
21. Moreover, the above described instances constitute cause for the Director to refuse to issue a bail bond agent license to Chilton. Issuing a bail bond agent license to Chilton would not be in the interest of the public.
22. The Director has considered Chilton's history and all of the circumstances surrounding Chilton's Application. Issuing a bail bond agent license to Chilton would not be in the interest of the public. The Director accordingly refuses to issue a bail bond agent license to Chilton because she is disqualified to hold such a license under Missouri Supreme Court Rule 33.17 and refuses as a matter of discretion.
23. This Order is in the public interest.


ORDER

IT IS THEREFORE ORDERED that the bail bond agent license Application of **Tiffany Nichole Chilton** is hereby **REFUSED**.

SO ORDERED.

WITNESS MY HAND THIS 16th DAY OF December, 2020.




CHLORA LINDLEY-MYERS
DIRECTOR

⁵ "An *Alford* plea is still a guilty plea, even though it is coupled with a protestation of innocence. Nothing in *Alford* indicates the contrary[.]" *Watkins v. State Bd. Of Reg. For the Healing Arts*, 651 S.W.2d 582, 583 (Mo. Ct. App. 1983).

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 of Missouri, P.O. Box 1557, Jefferson City, Missouri, within 30 days after the mailing of this notice pursuant to Section 621.120, RSMo. Pursuant to 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 16th day of December, a copy of the foregoing Order and Notice was served upon the Applicant in this matter by UPS, signature required, at the following address:

Tiffany Nichole Chilton

Tracking No. 1Z0R15W84291804402

57 Meadow Lake Circle
Eldon, MO 65026



Kim Landers

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