



FINAL ORDER
EFFECTIVE
2-14-2018

State of Missouri

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

IN RE:

TYSON MICHAEL HARMON,

Applicant.

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Case No. 170410245C

ORDER REFUSING TO ISSUE BAIL BOND AGENT LICENSE

On January 11, 2018, the Consumer Affairs Division submitted a Petition to the Director alleging cause for refusing to issue a bail bond agent license to Tyson Michael Harmon. After reviewing the Petition, 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. Tyson Michael Harmon ("Harmon") is a Missouri resident with a residential address of 116 Eagle Pass Lane #2, Poplar Bluff, Missouri 63901.
2. On March 20, 2007, the Director of the Department of Insurance, Financial Institutions and Professional Registration ("Director" of the "Department") issued Harmon a bail bond agent license (License No. 0390529). That license was subsequently renewed and remained active until Harmon voluntarily surrendered his bail bond agent license on July 3, 2012.
3. On December 12, 2016, the Department received Harmon's Missouri Uniform Application for Bail Bond or Surety Recovery License ("Application").
4. Harmon answered "Yes" to Background Question B. of the Application which asks, in relevant part:

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).

If YES, provide a full, written explanation on a separate sheet of paper

including the name and address of court, basis of charge, outcome, and whether you received an executive pardon. Also, attach certified court documents of the information or Indictment and the Final Adjudication.

5. Harmon attached documentation to his Application which evidences that:
 - a. On June 18, 2012, Harmon pled guilty to Unlawful Use of a Weapon, a Class D Felony, in violation of § 571.030 RSMo.¹ *State v. Tyson M. Harmon*, Jefferson Co. Cir. Ct., Case No. 11JE-CR01768-01. The court suspended imposition of sentence and placed Harmon on supervised probation for five (5) years. *Id.*
6. By pleading guilty to Unlawful Use of a Weapon, Harmon admitted that he:

[I]n violation of Section 571.030.1(4), RSMo, committed the class D felony of unlawful use of a weapon, punishable upon conviction under Sections 558.011 and 560.011, RSMo, in that on or about October 25, 2009, in the County of Jefferson, State of Missouri, the defendant knowingly exhibited, in the presence of one or more persons, a Ruger SR9, 9mm semi automatic pistol a weapon readily capable of lethal use, in an angry or threatening manner.

Id.

CONCLUSIONS OF LAW

7. Section 374.715.1 RSMo (2016)² 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 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, in relevant part:

The department may refuse to issue or renew any license required

¹ All criminal statutory references are to the Missouri Revised Statutes in effect at the time Harmon committed the offense.

² All civil statutory references are to the Missouri Revised Statutes (2016) unless otherwise noted.

pursuant to sections 374.700 to 374.775³ for any one or any combination of causes stated in section 374.755[.]

9. In turn, § 374.755.1 provides, in relevant part:

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:

* * *

(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[or]

* * *

(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. Missouri Supreme Court Rule 33.17 provides, in relevant part:

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[.]

11. “[W]hen an individual pleads guilty to a charge, he not only admits his guilt, but also admits all of the facts charged.” *Rice v. Barnes*, 966 F. Supp. 877, 886 (W.D. Mo. 1997), citing *Robinson v. State*, 491 S.W.2d 314, 315 (Mo. banc 1973).

CAUSE FOR ORDER REFUSING TO ISSUE BAIL BOND AGENT LICENSE

12. By pleading guilty to Unlawful Use of a Weapon, a Class D Felony, in violation of

³ Within Missouri’s Professional Bail Bondsman and Surety Recovery Agent Licensure Act. See § 374.695.

§ 571.030, within the last fifteen (15) years, Harmon is disqualified for bail bond agent licensure because he fails to meet the qualifications for sureties as set forth in Mo.S.Ct.R. 33.17(c). *State v. Tyson M. Harmon*, Jefferson Co. Cir. Ct., Case No. 11JE-CR01768-01. 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 Harmon a bail bond agent license.

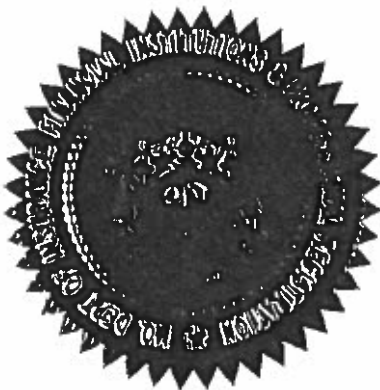
13. The Director may refuse to issue Harmon a bail bond agent license pursuant to § 374.755.1(2) because he pled guilty within the past fifteen (15) years in a criminal prosecution under state law for a felony, specifically Unlawful Use of a Weapon, in violation of § 571.030.1(4). *State v. Tyson M. Harmon*, Jefferson Co. Cir. Ct., Case No. 11JE-CR01768-01.
14. The Director may refuse to issue Harmon a bail bond agent license pursuant to § 374.755.1(6) because he violated a provision of law of this state, namely § 571.030.1(4). *Id.*
15. Pursuant to Mo.S.Ct.R. 33.17(c), Harmon is disqualified for a bail bond agent license, therefore, the Director has no discretion and must refuse to issue Harmon a bail bond agent license. Additionally, the Director should consider Harmon's history and all of the circumstances surrounding Harmon's Application. Accordingly, the Director exercises her discretion and refuses to issue Harmon a bail bond agent license.
16. This Order is in accordance with the law and in the public interest.

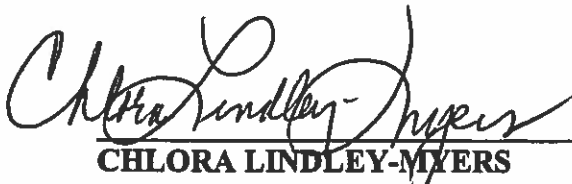
ORDER

IT IS THEREFORE ORDERED that the bail bond agent license application of Tyson Michael Harmon is hereby **REFUSED**.

SO ORDERED.

WITNESS MY HAND THIS 12th DAY OF JANUARY, 2018.





CHLORA LINDLEY-MYERS
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 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.


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CERTIFICATE OF SERVICE

I hereby certify that on January 12, 2018, a copy of the foregoing Order and Notice was served upon the Applicant in this matter by UPS, signature required service, at the following address:

Tyson Michael Harmon
116 Eagle Pass Lane #2
Poplar Bluff, Missouri 63901

Tracking No. 1Z0R15W84293904283


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