



DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION

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

In re:

Phillip L. Joyce,

Respondent.

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Case No. 120509396C

CONSENT ORDER

John M. Huff, Director of the Department of Insurance, Financial Institutions and Professional Registration takes up the above matter for consideration and disposition. The Consumer Affairs Division and Phillip L. Joyce, through their respective counsel, 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 Chapter 374 RSMo,¹ include the supervision, regulation, and discipline of bail bond agents.

2. The Department’s Consumer Affairs Division (“Division”) has the duty of conducting investigations into the acts of bail bond agents under Chapter 374, and is authorized

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

to investigate and recommend enforcement action, including bail bond agent license application refusal.

3. On June 30, 1995, Joyce entered pleas of nolo contendere to three felony counts of theft by deception in violation of A.C.A. § 5-36-103. The court accepted the pleas, entered a judgment of guilt, and placed Joyce on probation for five years. On May 18, 2012, the court entered a Final Order of Expungement finding that Joyce had been rehabilitated. *State v. Phillip Lee Joyce*, Craighead Co. Arkansas Cir. Ct., Case No. 94-501.

4. On July 9, 1995, a jury found Joyce guilty of three counts of Class C Felony Stealing by Deceit in violation of § 570.030. On July 27, 1995, the court sentenced Joyce to one year in jail on each of the three felony counts. On August 22, 1995, Joyce filed an "application for parole" and on September 15, 1995, Joyce was placed on probation, with the requirement that he pay a \$2,500 fine, \$250 payment to the Crime Reduction Fund, court costs, and full restitution. *State v. Phillip Lee Joyce*, Scott Co. Mo. Cir. Ct., Case No. CR 395-2F.

5. On October 31, 1995, Joyce entered an Alford plea of guilty to the Class C Felony of Stealing in violation of § 570.030. The court accepted his plea of guilty, suspended the imposition of sentence, and placed Joyce on three years' supervised probation. Such probation terminated on June 1, 1998. *State v. Phillip L. Joyce*, Stoddard Co. Mo. Cir. Ct., Case No. CR594-1184FX, transferred to Butler Co. Mo. Cir. Ct., Case No. CR195-4F.

6. In 1997, while still on probation from the Craighead County, Arkansas, and Butler County, Missouri pleas, Joyce applied for a bail bond agent license with the Department. The Director refused Joyce's bail bond agent application on November 6, 1997. Joyce did not disclose the Craighead County, Arkansas nolo contendere pleas or the Butler County, Missouri Alford plea of guilty on his 1997 application. Joyce appealed the Director's refusal to the

Administrative Hearing Commission ("Commission"). The felony pleas were not addressed by any party as part of the hearing before the Commission. The Commission exercised its discretion differently from the Director and determined that Joyce's bail bond agent license application should be granted. The Director did not appeal the Commission's Decision. *Joyce v. Director of Ins.*, No. 97-3416 DI (Mo. Admin. Hearing Comm'n May 28, 1998).

7. In October of 2000, Joyce applied for a general bail bond agent license. The Director refused Joyce's general bail bond agent application in October of 2000 based upon the Scott County, Missouri felony conviction. Joyce appealed the refusal to the Commission which upheld the Director's denial of Joyce's general bail bond agent application on July 3, 2001. *Phillip L. Joyce v. Director of Ins.*, No. 00-2668 DI (Mo. Admin. Hearing Comm'n July 3, 2001).

8. The Director renewed Joyce's bail bond agent license in 2005.

9. On June 1, 2007, Joyce filed a Missouri Uniform Renewal Application for Bail Bond or Surety Recovery Agent License ("2007 Renewal Application").

10. On July 6, 2007, the Director refused Joyce's 2007 Renewal Application based on Joyce's felony conviction and felony pleas, Joyce's nondisclosure of the felony pleas, and Joyce's failure to meet the qualifications for surety on bail bonds as provided by Supreme Court Rule 33.17, as applied by § 374.715.

11. Joyce appealed the Director's refusal to the Commission. The Commission upheld the Director's grounds for refusal, and Joyce did not appeal the Commission's Decision. *Phillip L. Joyce v. Director of Dept. of Ins., Fin. Insts. & Prof'l Reg'n*, AHC No. 07-1364 DI (Mo. Admin. Hrg. Comm'n July 7, 2008).

12. On or about September 14, 2011, Joyce submitted a Missouri Uniform Application for Bail Bond or Surety Recovery License ("Application") to the Department.

13. Joyce acknowledges and understands that under § 374.755.1(6), the Director may refuse to issue a bail bond agent license to Joyce because Joyce has violated provisions of the laws of Missouri.

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

15. This Consent Order is entered pursuant to §§ 374.046 and 374.755.3. As such, any interested person aggrieved by this Consent Order may request a hearing before the Director or review of this Consent Order in a circuit court under § 374.055. Although under the Department's interpretation of the relevant statutes, review of this Consent Order by the Administrative Hearing Commission is not available, Joyce nevertheless may have the right, under § 621.045, to submit this Consent Order to the Administrative Hearing Commission for a determination that the facts agreed to in this Consent Order constitute grounds to refuse Joyce's license.

16. Joyce stipulates and agrees to waive any waivable rights that he may have to a hearing before the Administrative Hearing Commission, 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 Consent Order, including all actions and matters referenced in or addressed by this Consent Order.

17. 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

18. The actions admitted by Joyce are grounds to refuse his bail bond agent application pursuant to § 374.755.1(6).

19. The Director may impose orders in the public interest under §§ 374.046 and 374.755.3.

20. 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 will issue a bail bond agent license to Phillip L. Joyce subject to the conditions set forth herein.

IT IS ORDERED that Phillip L. Joyce shall maintain his bail bond agent license subject to the following special conditions:

1. Phillip L. Joyce shall respond to all inquiries and consumer complaints forwarded or otherwise communicated to him by the Department or a consumer within five business days of receipt. Joyce shall report in writing all consumer complaints, both written and oral, to the Consumer Affairs Division of the Department, within five business days of receipt. If Joyce receives a complaint directly from a consumer, whether written or oral, Joyce shall report the complaint in writing to the Consumer Affairs Division within five (5) days of receipt. Joyce shall

include in such report: 1) a copy of the complaint, if written, or a brief, accurate description of the complaint, if oral; 2) a detailed explanation of the circumstances surrounding the complaint; and 3) any measures taken or planned to address the conduct described in the complaint.

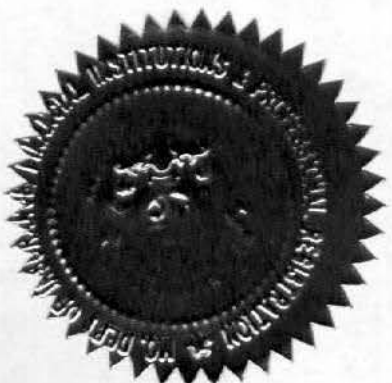
2. Phillip L. Joyce shall report to the Consumer Affairs Division any and all of the following incidents involving Joyce: probation violation, probation revocation, arrest, guilty plea, nolo contendere plea, finding of guilt, or conviction concerning a felony or misdemeanor. Joyce shall report all such incidents to the Consumer Affairs Division within five business days of their occurrence. This special condition does not include traffic tickets or citations, but does include all driving while intoxicated or under the influence offenses.
3. For five years subsequent to the date of this executed Consent Order, Phillip L. Joyce will voluntarily surrender his license to the Department within five business days of Joyce's entry of a guilty plea, nolo contendere plea, finding of guilt or conviction for a felony, regardless of whether sentence is imposed, suspended, or executed.
4. Phillip L. Joyce shall report to the Consumer Affairs Division any administrative action undertaken or initiated against Joyce in another jurisdiction or by another governmental agency in this state within five business days after Joyce receives notification of the initiation of such administrative action.
5. Phillip L. Joyce shall report to the Consumer Affairs Division any violation of or failure to comply with the laws set forth in Chapter 374 or the relevant regulations within five business days of such violation or failure to comply.

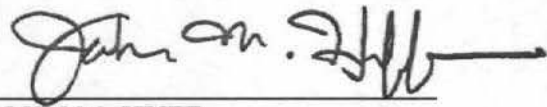
6. The special conditions listed in paragraphs 1 through 5 will expire three years after the issuance of this Consent Order. However, during the three year period of the special conditions of this Consent Order and for all times thereafter that Phillip J. Joyce is licensed by the Department, Phillip L. Joyce shall maintain compliance with all applicable laws and regulations.

IT IS ORDERED that if Phillip L. Joyce maintains his bail bond agent license beyond the initial term and complies with the terms of this Consent Order, Joyce may apply to renew his license and the Director shall consider the renewal application in accordance with Chapter 374 without regard to: *State v. Phillip Lee Joyce*, Craighead Co. Arkansas Cir. Ct., Case No. 94-501; *State v. Phillip Lee Joyce*, Scott Co. Mo. Cir. Ct., Case No. CR 395-2F; *State v. Phillip L. Joyce*, Stoddard Co. Mo. Cir. Ct., Case No. CR594-1184FX, transferred to Butler Co. Mo. Cir. Ct., Case No. CR195-4F.

IT IS ORDERED that the Director may pursue additional legal remedies, as determined appropriate by the Director, and without limitation, as authorized by Chapter 374, including remedies for violation of, or failure to comply with, the terms of this Consent Order.

SO ORDERED, SIGNED AND OFFICIAL SEAL AFFIXED THIS 8th DAY OF August, 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 Phillip L. Joyce may have a right to a hearing, but that Phillip L. Joyce has waived the hearing and consented to the issuance of this Consent Order.

Phillip L. Joyce

Phillip L. Joyce
20591 State Highway 38
Marshfield, Missouri 65706
Respondent

8/7/2012
Date

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Date