



**FINAL ORDER
EFFECTIVE
3-28-2018**

State of Missouri

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

IN RE:)
)
BRANDON MICHAEL NORTON,) **Case No. 180102001C**
)
Renewal Applicant.)

**ORDER REFUSING TO RENEW
BAIL BOND AGENT LICENSE**

On January 22, 2018 the Consumer Affairs Division (“Division”) submitted a Petition to the Director alleging cause for refusing to renew Brandon Michael Norton’s bail bond agent license. After reviewing the Petition and the Investigative Report, the Director issues the following findings of fact, conclusions of law, and order:

FINDINGS OF FACT

1. Brandon Michael Norton (“Norton”) is a Missouri resident with a residential address of 614 DeBolt Street, Trenton, Missouri 64683.
2. The Director of the Department of Insurance, Financial Institutions and Professional Registration (the “Director” of the “Department”) first issued Norton a license to act as a bail bond agent (License #0338923) on November 19, 2004. That license expired on November 19, 2017.
3. On November 16, 2017, the Department received a “Missouri Uniform Renewal Application for Bail Bond or Surety Recovery License” (“Renewal Application”) from Norton.
4. It was discovered through an investigation by the Consumer Affairs Division (“Division”) of the Department that Norton is employed with the State of Missouri Department of Corrections (“Missouri DOC”). Norton was appointed as a Corrections Officer I in 2012 and is currently employed with the Missouri DOC as a Corrections Case Manager II.
5. On November 17, 2017, the Special Investigator for the Division sent Norton an inquiry letter requesting information regarding his employment as a Corrections Case Manager II with the Missouri DOC and an explanation regarding Norton’s compliance with Missouri Supreme Court Rule 33.17(e).

6. On December 1, 2017, Norton responded to the Division's inquiry letter and admitted:

Your correspondence indicated my current employment is with the State of Missouri as a Corrections Case Manager II with the Missouri Department of Corrections, which is correct...

My position as a Corrections Case Manager II is a part of the Missouri Merit System.

CONCLUSIONS OF LAW

7. Section 36.020¹ provides, in relevant part:

Unless the context clearly requires otherwise, the following terms mean:

(1) "Agency", "state agency" or "agency of the state", each department, board, commission or office of the state except for offices of the elected officials, the general assembly, the judiciary and academic institutions;

(2) "Appointing authority", an officer or agency subject to this chapter having power to make appointments;

* * *

(9) "Eligible", a person whose name is on a register or who has been determined to meet the qualifications for a class or position;

(10) "Open competitive examination", a test for positions in a particular class, admission to which is not limited to persons employed in positions subject to this chapter; [and]

* * *

(13) "Register of eligibles", a list of persons who have been found qualified by an open competitive examination for appointment to a position[.]

8. Section 36.030 provides, in relevant part:

1. A system of personnel administration based on merit principles and

¹ All civil statutory references are to the Revised Statutes of Missouri (2016).

designed to secure efficient administration is established for all offices, positions and employees, except attorneys, of the... department of corrections[.]

9. Section 374.702.2 provides:

No judge, attorney, court official, law enforcement officer, state, county, or municipal employee who is either elected or appointed shall be licensed as a bail bond agent or a general bail bond agent.

10. Section 374.710 provides, in relevant part:

1. Except as otherwise provided in sections 374.695 to 374.775, no person or other entity shall practice as a bail bond agent or general bail bond agent, as defined in section 374.700, in Missouri unless and until the department has issued to him or her a license, to be renewed every two years as hereinafter provided, to practice as a bail bond agent or general bail bond agent.

* * *

4. Upon completion of said basic training or biennial continuing education **and the licensee meeting the other requirements as provided under sections 374.695 to 374.789**, the director shall issue a two-year license for the bail bond agent or general bail bond agent for a fee not to exceed one hundred fifty dollars.

(Emphasis added).

11. Section 374.715.1 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 education development certificate (GED), is of good moral character, and meets the qualifications for surety on bail bonds as provided by supreme court rule[.]**

(Emphasis added).

12. Section 374.750 provides:

The department may refuse to issue or renew any license required pursuant to sections 374.700 to 374.775^[2] 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.

13. 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:

* * *

(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[.]

14. 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:

* * *

(e) Is not an elected or appointed official or employee of the State of Missouri or any county or other political subdivision thereof, except that this disqualification shall not apply if the principal is the spouse, child or family member of the surety[.]

(Emphasis added).

15. The Missouri Department of Corrections is a state agency. *Walker v. Missouri Dept. of Corrections*, 213 F.3d 1035, 1036 (8th Cir. 2000).

² Within Missouri's Professional Bail Bondsman and Surety Recovery Agent Licensure Act. See § 374.695.

16. Norton is disqualified for licensure as a bail bond agent because he fails to meet the qualifications for a surety as set forth in Missouri Supreme Court Rule 33.17(e). By his own admission, Norton is an employee of the State of Missouri with the Missouri Department of Corrections.
17. Because Norton fails to meet the qualifications for a surety as set forth in Missouri Supreme Court Rule 33.17(e), as required by § 374.715.1, the Director has no discretion and therefore must refuse to renew Norton's bail bond agent license.
18. The Director may refuse to renew Norton's bail bond agent license pursuant to § 374.755.1(6) for violation of § 374.702.2, because Norton's position as an appointed state employee coincided with his licensure as a bail bond agent. Norton was licensed as a bail bond agent and simultaneously worked for the State of Missouri Department of Corrections, which is a state agency with the authority to appoint eligible persons to positions after such persons have been subject to open and competitive examination and placed on a register of eligibles. Sections 36.020 and 36.030.
19. This Order is in accordance with the law and in the public interest.

ORDER

IT IS THEREFORE ORDERED that the bail bond agent license renewal application of **Brandon Michael Norton** is hereby **REFUSED**.

SO ORDERED.

WITNESS MY HAND THIS 22nd DAY OF FEBRUARY, 2018.



Chlora Lindley Myers
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 February 23, 2018, a copy of the foregoing Order and Notice was served upon Brandon Michael Norton in this matter by UPS, signature required, at the following address:

Brandon Michael Norton
614 DeBolt Street
Trenton, Missouri 64683

Tracking No. 1Z0R15W84297215298


Kathryn Latimer
Paralegal
Missouri Department of Insurance, Financial
Institutions and Professional Registration
301 West High Street, Room 530
Jefferson City, Missouri 65101
kathryn.latimer@insurance.mo.gov
Telephone: 573.751.6515