



State of Missouri

DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION

In the Matter of:)
)
LESLIE KENT HOOVER,) Case No. 10-0916602C
)
Applicant.)

ORDER REFUSING TO RENEW BAIL BOND AGENT LICENSE

On August 6, 2012, the Consumer Affairs Division submitted a Petition to the Director alleging cause to refuse to renew Leslie Kent Hoover'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 order:

FINDINGS OF FACT

1. Leslie Kent Hoover ("Hoover") is an individual residing in Missouri, with a mailing address of record of 3722 West Greenway, Springfield, Missouri, 65807.
2. Hoover held a bail bond agent license (Number 0328739) from May 4, 2004, until its expiration on May 4, 2009.
3. On or about August 12, 2009, the Department of Insurance, Financial Institutions and Professional Registration (the "Department") received a Uniform Renewal Application for Bail Bond or Surety Recovery License submitted by Hoover (the "Application").
4. In the Application, Hoover provided the address alleged in Paragraph 1 of this Petition as his mailing address.
5. At no time since he submitted his Application has Hoover informed the Department of any change in his address.
6. However, an investigator for the Department's Division of Consumer Affairs (the "Division") located a more recent address for Hoover as of May 2012: 694 West Mount Vernon Street 172, Nixa, Missouri 65714.

7. On or about September 4, 2009, because the Department had conducted previous unresolved investigations concerning Hoover, an investigator for the Division sent Hoover an inquiry letter by first class mail to his mailing address of record, 3722 West Greenway, Springfield, Missouri, 65807. Said letter required Hoover to respond by September 25, 2009 to provide dates that he would be available for a Subpoena Conference.

8. Hoover contacted the Division by phone but failed to provide dates for a Subpoena Conference.

9. On or about September 9, 2009, the Department received a letter and accompanying documentation from Tasha Streckfuss ("Streckfuss"), a general bail bond agent under whose authority Hoover previously had written bail bonds.

10. In the letter, Streckfuss alleged that Hoover had failed to account for powers of attorney issued by Streckfuss to Hoover, and that Hoover owed Streckfuss approximately \$60,000.00 in unpaid premium and forfeitures.

11. On September 14, 2009, the Division's investigator sent a letter, a copy of Streckfuss' letter, and Streckfuss' accompanying documentation to Hoover and requested a written response by October 5, 2009.

12. The September 14, 2009 initial letter was not returned to the Department as undeliverable.

13. Hoover failed to provide a written response to the Division's September 14, 2009 letter by October 5, 2009, and failed to demonstrate a reasonable justification for the delay.

14. Because Hoover failed to respond, an investigator for the Division sent a second letter to Hoover dated October 7, 2009 that extended the deadline to respond to the September 14, 2009 letter and warned that failure to respond could be grounds to discipline Hoover's general bail bond application.

15. Hoover failed to provide a written response to the follow-up letter dated October 7, 2009 within twenty (20) days or by the extended deadline and failed to demonstrate a reasonable justification for his failure to respond.

16. Also on September 14, 2009, the Director issued a subpoena to Hoover requiring him to appear at the Department's offices and testify under oath (the "Subpoena Conference") on October 8, 2009. To accommodate Hoover, the date of the Subpoena Conference was later changed to October 13, 2009.

17. On October 13, 2009, Hoover appeared two (2) hours late for the Subpoena Conference and testified under oath.

18. At the Subpoena Conference, Hoover admitted that he failed to respond to the Division's September 14, 2009 letter in writing.

19. Hoover did not and has not since offered any justification for his failure to adequately respond to the September 14, 2009 letter in writing.

20. At the Subpoena Conference, Hoover further admitted that he had not yet provided an adequate response to the follow-up letter dated October 7, 2009.

21. To date, Hoover has not provided an adequate response to the letter dated October 7, 2009. In addition, Hoover did not and has not since offered any justification for his failure to adequately respond to the October 7, 2009 follow-up letter.

22. At the Subpoena Conference, Hoover also admitted that he still had powers of attorney and other paperwork belonging to Streckfuss.

CONCLUSIONS OF LAW

23. Section 374.750, RSMo (Supp. 2011),¹ 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.

24. 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:

* * *

(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[.]

¹ All statutory references are to RSMo (2000) as updated by RSMo (Supp. 2011) unless otherwise noted.

25. Title 20 CSR 100-4.100(2)(A) Required Response to Inquiries by the Consumer Affairs Division, provides:

Upon receipt of any inquiry from the division, every person shall mail to the division an adequate response to the inquiry within twenty (20) days from the date the division mails the inquiry. An envelope's postmark shall determine the date of mailing. When the requested response is not produced by the person within twenty (20) days, this nonproduction shall be deemed a violation of this rule, unless the person can demonstrate that there is reasonable justification for that delay.

26. Title 20 CSR 100-4.010 provides, in part:

(1) As used in this division, the following terms and phrases shall be interpreted as follows:

(A) "Adequate response," a written response answering each inquiry with reasonable specificity. A person's acknowledgment of the division's inquiry is not an adequate response.

27. Section 374.716.1 provides:

Every bail bond agent shall account for each power of attorney assigned by the general bail bond agent on a weekly basis and remit all sums collected and owed to the general bail bond agent pursuant to his or her written contract. The general bail bond agent shall maintain the weekly accounting and remittance records for a period of three (3) years. Such records shall be subject to inspection by the director or his or her designee during regular business hours or at other reasonable times.

28. Just as the principal purpose of § 375.141, the insurance producer disciplinary statute, is not to punish licensees or applicants, but to protect the public, *Ballew v. Ainsworth*, 670 S.W.2d 94, 100 (Mo. App. E.D. 1984), the purpose of §§ 374.750 and 374.755 are not to punish applicants for a bail bond agent license, but to protect the public.

29. Hoover's application to renew his bail bond agent license may be refused pursuant to §§ 374.755.1(6) and 374.750 because Hoover failed to adequately respond to two inquiries from the Division of Consumer Affairs, thereby violating 20 CSR 100-4.100(2)(A), a Department regulation.

30. Hoover's application to renew his bail bond agent license may be refused pursuant to §§ 374.755.1(6) and 374.750 because Hoover failed to account for each power of

attorney assigned to him by Streckfuss, a general bail bond agent, on a weekly basis, thereby violating § 374.716.1 each week Hoover failed to account for each power of attorney.

31. The Director has considered Hoover's history and all of the circumstances surrounding Hoover's Application. Renewing Hoover's bail bond agent license would not be in the interest of the public. Accordingly, the Director exercises his discretion to refuse to renew Hoover's bail bond agent license.

32. This Order is in the public interest.

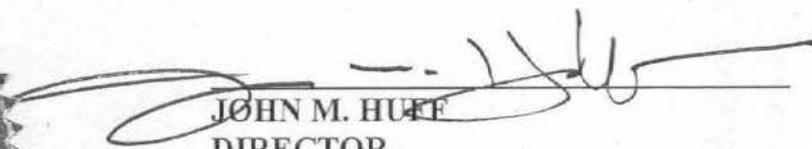
ORDER

IT IS THEREFORE ORDERED that the bail bond agent license renewal application of **Leslie Kent Hoover** is hereby **REFUSED**.

SO ORDERED.

WITNESS MY HAND THIS 16th DAY OF AUGUST, 2012.




JOHN M. HUFF
DIRECTOR

NOTICE

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

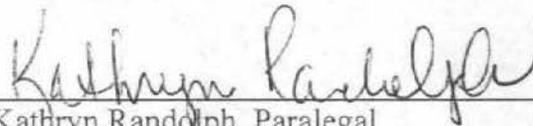
You may request a hearing in this matter. You may do so by filing a complaint with the Administrative Hearing Commission of Missouri, P.O. Box 1557, Jefferson City, Missouri, within 30 days after the mailing of this notice pursuant to Section 621.120, RSMo. Pursuant to 1 CSR 15-3.290, unless you send 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 20th day of August, 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 address:

Leslie Kent Hoover
694 West Mount Vernon Street 172
Nixa, MO 65714

Certified No. 7009 3410 0001 8931 3049



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