



**FINAL ORDER**  
**EFFECTIVE**  
**12-03-2018**

**State of Missouri**

DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND  
PROFESSIONAL REGISTRATION

**IN RE:**

**LEONARD REX DESHURLEY, III,**

**Applicant.**

**Case No. 180517697C**

**ORDER REFUSING TO ISSUE**  
**A BAIL BOND AGENT LICENSE**

On July 10, 2018, the Consumer Affairs Division ("Division") submitted a Petition to the Director alleging that Leonard Rex DeShurley, III, was disqualified from holding a bail bond agent license and alleging cause for refusing to issue a bail bond agent license to Leonard Rex DeShurley, III. After reviewing the Petition and the Investigative Report, the Director issues the following findings of fact, conclusions of law and order:

**STATEMENT OF FACTS**

1. Leonard Rex DeShurley, III ("DeShurley") is a Missouri resident with a residential and mailing address of 65 Eisenhower Street, Union, Missouri 63084.
2. On January 8, 2018, the Department of Insurance, Financial Institutions and Professional Registration received DeShurley's Missouri Uniform Application for Bail Bond or Surety Recovery License ("Application").
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.

4. DeShurley signed the Application on January 2, 2018.

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. DeShurley answered “Yes” to Question B.
7. In a letter attached to his Application, DeShurley indicated that he was charged with an assault in 2000. DeShurley also indicated that in 2010 he was charged with two counts of “felony child support” and that in December 2010 he received an “SIS upon the completion of 5 years of probation.” DeShurley said that he was released from supervision on June 1, 2014, though he indicated that he is still paying a child support arrearage.
8. The Division’s investigation revealed that in 2010, DeShurley pled guilty to the Class D Felony of Criminal Non-Support, in violation of § 568.040.<sup>1</sup> *State v. Leonard R. DeShurley*, St. Louis Co. Cir. Ct., Case No. 08SL-CR08554. The court suspended imposition of sentence and placed DeShurley on supervised probation for five years. *Id.* DeShurley pled guilty to the Class A Misdemeanor of Assault in the Third Degree in 1992, but the Division did not find an assault conviction for DeShurley from 2000, as he had indicated in his Application.
9. On January 10, 2018,<sup>2</sup> Division Special Investigator Kevin Davidson sent an inquiry letter to DeShurley via first class mail, postage prepaid, to DeShurley’s residential and mailing address, 65 Eisenhower Street, Union, Missouri 63084. In it, Davidson referenced § 374.715.1, RSMo 2016, and Missouri Supreme Court Rule 33.17 and asked if DeShurley wanted to withdraw his application due to having pled guilty to a felony within the previous 15 years. Davidson indicated that if DeShurley wanted to proceed with his application, he had to provide certified copies of the complaint and information and the sentence and judgment from DeShurley’s misdemeanor assault case. Davidson also asked for a detailed letter of explanation for the offenses listed in DeShurley’s criminal history record. Davidson indicated that DeShurley’s response was due in 20 days, and that “[f]ailure to respond could result in disciplinary action.”

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<sup>1</sup> All criminal statutory citations are to that version of RSMo in effect at the time of the commission of the crime.

<sup>2</sup> The letter was incorrectly dated “December 10, 2018,” but was sent on January 10, 2018.

10. The United States Postal Service did not return Davidson's January 10, 2018 letter to the Division as undeliverable; therefore, DeShurley is presumed to have received it.
11. Indeed, on January 16, 2018, DeShurley telephoned Davidson to indicate that he had received the January 10, 2018 letter and inquired what to do about it. Davidson advised DeShurley that he could not give him any advice other than the options outlined in the letter – withdraw his application or continue with the application process. DeShurley indicated that he wanted to continue with the application process, and Davidson told him to send written notice to that effect and to provide the additional documentation requested in the letter.
12. DeShurley did not provide a written response to Davidson's January 10, 2018 inquiry letter and DeShurley did not demonstrate reasonable justification for delay.
13. Again on February 22, 2018, Davidson sent another inquiry letter to DeShurley via first class mail, postage prepaid, to DeShurley's residential and mailing address. In it, Davidson again referenced § 374.715.1, RSMo 2016, and Missouri Supreme Court Rule 33.17 and asked if DeShurley wanted to withdraw his application due to having pled guilty to a felony within the previous 15 years. Davidson indicated that if DeShurley wanted to proceed with his application, he had to provide certified copies of the complaint and information and the sentence and judgment from DeShurley's misdemeanor assault case. Davidson also asked for a detailed letter of explanation for the offenses listed in DeShurley's criminal history record. Davidson indicated that DeShurley's response was due in 20 days, and that "[f]ailure to respond could result in disciplinary action."
14. The United States Postal Service did not return Davidson's February 22, 2018 inquiry letter to the Division as undeliverable; therefore DeShurley is presumed to have received it.
15. DeShurley did not provide a written response to Davidson's February 22, 2018 inquiry letter and DeShurley did not demonstrate reasonable justification for delay.

### **CONCLUSIONS OF LAW**

16. Section 374.715.1, RSMo 2016, 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, 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. 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.

17. Section 374.750, RSMo 2016, 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.

18. Section 374.755.1, RSMo 2016, 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 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;

\* \* \*

(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[.]

19. 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[.]

20. 20 CSR 100-4.100(2)(A) provides as follows:

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.

21. "There is a presumption that a letter duly mailed has been received by the addressee." *Clear v. Missouri Coordinating Bd. for Higher Educ.*, 23 S.W.3d 896, 900 (Mo. App. E.D. 2000) (internal citation omitted).

22. "A plea of guilty is an admission as to the facts alleged in the information." *Milligan v. State*, 772 S.W.2d 736, 739 (Mo. App. W.D. 1989).

23. By pleading guilty to the Class D Felony of Criminal Non-Support, in violation of § 568.040, within the past fifteen (15) years (DeShurley pled guilty in 2010), DeShurley is disqualified for bail bond agent licensure because he fails to meet the qualifications set forth in Missouri Supreme Court Rule 33.17(c)(1) and

§ 374.715.1, RSMo 2016. *State v. Leonard R. DeShurley*, St. Louis Co. Cir. Ct., Case No. 08SL-CR08554. 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 DeShurley a bail bond agent license.

24. The Director may refuse to issue a bail bond agent license to DeShurley under § 374.755.1(2), RSMo 2016, because DeShurley pled guilty within the past fifteen (15) years in a criminal prosecution under any state law for a felony, specifically, DeShurley pled guilty in 2010 to Criminal Non-Support in violation of § 568.040. *State v. Leonard R. DeShurley*, St. Louis Co. Cir. Ct., Case No. 08SL-CR08554.
25. The Director may refuse to issue a bail bond agent license to DeShurley under § 374.755.1(6), RSMo 2016, because DeShurley violated a law of this state, specifically § 568.040. *State v. Leonard R. DeShurley*, St. Louis Co. Cir. Ct., Case No. 08SL-CR08554.
26. The Director may refuse to issue a bail bond agent license to DeShurley under § 374.755.1(6), RSMo 2016, because DeShurley twice violated a Department regulation, specifically 20 CSR 100-4.100(2)(A), in that DeShurley failed to respond timely and in writing to inquiry letters from the Division from January 10, 2018 and February 22, 2018.
27. Each of DeShurley's violations of a law or Department regulation constitutes separate and sufficient cause for the Director to refuse to issue DeShurley a bail bond agent license under § 374.755.1(6), RSMo 2016.
28. Under Missouri Supreme Court Rule 33.17(c) and § 374.715.1, RSMo 2016, DeShurley 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 DeShurley.
29. Moreover, the above described instances constitute cause for the Director to refuse to issue a bail bond agent license to DeShurley. Issuing a bail bond agent license to DeShurley would not be in the interest of the public.
30. The Director has considered DeShurley's history and all of the circumstances surrounding DeShurley's Application. Issuing a bail bond agent license to DeShurley would not be in the interest of the public. The Director refuses to issue a bail bond agent license to DeShurley because he is disqualified from holding a bail bond agent license. Further, the Director exercises her discretion to refuse to issue DeShurley a bail bond agent license.
31. This Order is in the public interest.

**ORDER**

**IT IS THEREFORE ORDERED** that the bail bond agent license Application of  
**Leonard Rex DeShurley, III**, is hereby **REFUSED**.

**SO ORDERED.**

**WITNESS MY HAND THIS** 31<sup>st</sup> **DAY OF** OCTOBER, 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 this 2nd day of November, 2018, a copy of the foregoing Order and Notice was served upon the Applicant in this matter by United Parcel Service, with signature required, at the following address:

Leonard Rex DeShurley, III  
Eisenhower Street  
Union, Missouri 63084

Tracking No. 1Z0R15W8429981106965

  
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