



DEPARTMENT OF COMMERCE AND INSURANCE

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

IN RE:

TODD D. MIKEL,

Applicant.

Case No. 1907300933C

ORDER REFUSING TO ISSUE **A SURETY RECOVERY AGENT LICENSE**

On September 6, 2019, the Consumer Affairs Division ("Division") of the Department of Commerce and Insurance ("Department") submitted a Petition to the Director alleging cause for refusing to issue a resident insurance producer license to Todd D. Mikel. 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. Todd D. Mikel ("Mikel"), is a Missouri resident with a reported residential address of 8731 S. Grand Avenue, St. Louis, Missouri 63125.
2. On March 21, 2019, Mikel, submitted a Missouri Uniform Application for Bail Bond or Surety Recovery License ("Application") to the Department of Insurance, Financial Institutions and Professional Registration¹.

¹ On August 28, 2019, the Department of Insurance, Financial Institutions and Professional Registration became the Department of Commerce and Insurance.

3. At the Department's request, Mikel submitted additional information, and on March 22, 2019, the Department deemed his Application complete.
4. Background Question III.B. on the Application states in relevant part:

Have you ever been adjudicated, convicted or 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).
5. Mikel answered "No" to Background Question III.B. on his Application.
6. On March 28, 2019, Kevin Davidson, Special Investigator with the Division ("Davidson") sent Mikel a letter notifying him that the fingerprint-based criminal history record requested and received from the Missouri State Highway Patrol revealed that Mikel had pleaded guilty to a Class C Felony, "Stealing of a Motor Vehicle-1st Offense," and had also been convicted of a Class C Felony, "Tamper With Motor Vehicle-1st Degree," neither of which Mikel disclosed on his Application.
7. The March 28, 2019, letter also advised Mikel that if he elected to continue with the application process, he needed to provide certified copies of the "Complaint, Information, and Sentence and Judgment from the criminal cases." The letter further sought a detailed explanation of the "offenses and why these violations were not disclosed on your application."
8. On April 8, 2019, Davidson received a written explanation, which included Mikel's explanation why he had not disclosed the violations and copies of the dockets sheets for both felony cases.
9. On April 18, 2019, Davidson received certified copies of the documents requested in his March 28, 2019, letter.
10. The documents revealed that on April 21, 2015, the St. Louis County Prosecutor's Office charged Mikel with Stealing A Motor Vehicle, a Class C Felony. On April 14, 2016, Mikel pled guilty to the charge. The St. Louis County Circuit Court found Mikel guilty based on the plea and sentenced Mikel to six months incarceration with credit for time served and discharged Mikel. The Court went on to suspend imposition of the sentence and placed Mikel on supervised probation, with certain conditions, for a period of five years. *State v. Todd D. Mikel, Jr.*, St. Louis Co. Cir. Ct., Case No. 15SL-CR03780-01.

11. The documents further showed that on December 1, 2016, the Court revoked Mikel's probation, finding a violation of condition no. 8, Reporting. *Id.*
12. Mikel explained that the reason he failed to disclose the felony charge was because the charge "was converted to a misdemeanor offense and I was cleared of the Felony against me". While the docket sheet in the case shows that Mikel's counsel filed a motion to convert the felony conviction to a misdemeanor, the docket sheet also shows both that the motion was never ruled upon and that Mikel's probation in the case was revoked. *Id.* Additionally, by its terms, Background Question III.B. asks applicants to disclose both felony and misdemeanor charges and guilty pleas in addition to convictions. Mikel was both charged with and pled guilty to a felony. Background Question III.B. also directs applicants to disclose convictions, even if they result in a suspended imposition of sentence. Mikel did not disclose the felony charge, the guilty plea, the suspended imposition of sentence, his probation, the revocation of that probation or anything about a misdemeanor charge.
13. On May 2015, the St. Francois County Prosecutor's Office charged Mikel with Tampering With Motor Vehicle-1st Degree, a Class C Felony. On July 6, 2016, Mikel pled guilty to the felony charge. On that same date, the St. Francois County Circuit Court sentenced Mikel to seven years incarceration. The Court then suspended execution of the sentence, directed Mikel to spend thirty days of shock time in the St. Francois County jail and placed him on supervised probation for a period of five years. Mikel's probation was suspended and ended on September 6, 2016, but he continues to pay restitution to the victim of the crime. *State v. Todd Duane Mikel*, St. Francois Co. Cir. Ct., Case No. 15SF-CR00820-01.
14. Mikel claimed that the St. Francois County charges "[w]ere to be Dropped as well, in exchange for a successful completion of a SIS probation, in which I have removed from and all fines have been paid as planned." In fact, Mikel received a suspended execution of sentence and pled guilty to and was convicted of the Class C Felony. *Id.* Although his probation was suspended, Mikel continues to pay restitution as ordered by the Court. *Id.* There is nothing in the record suggesting the charges were or have been dropped, or that there is any intent to drop the charges. *Id.*
15. It is reasonable to infer that Mikel did not disclose the two felony charges, the felony suspended imposition of sentence, or the felony conviction on his Application in order to increase the chances that the Department would issue him a license.
16. Mikel pled guilty to a felony, Stealing A Motor Vehicle, a Class C Felony, even

though a sentence was not imposed. *State v. Todd D. Mikel, Jr.*, St. Louis Co. Cir. Ct., Case No. 15SL-CR03780-01.

17. Finally, Mikel has been convicted of a felony, Tampering With Motor Vehicle-1st Degree, a Class C Felony. *State v. Todd Duane Mikel*, St. Francois Co. Cir. Ct., Case No. 15SF-CR00820-01.

18. The Director is a state regulator of surety recovery agents

CONCLUSIONS OF LAW

19. Section 374.210.1, RSMo 2016,² provides, in pertinent part:

1. It is unlawful for any person in any investigation, examination, inquiry or other proceeding under this chapter, chapter 354, or chapters 375 to 385, to:

(1) Knowingly make or cause to be made a false statement under oath or affirmation or in any record that is submitted to the director or used in any proceeding under this chapter, chapter 354, and chapters 375 to 385[.]

20. Section 374.784.5 provides;

The director may refuse to issue any license pursuant to sections 374.783 to 374.789, for any one or any combination of causes stated in section 374.787. The director shall notify the applicant in writing of the reason or reasons for refusal and shall advise the applicant of the right to file a complaint with the administrative hearing commission to appeal the refusal as provided by chapter 621.

21. Section 374.787 provides in pertinent part:

1. The director may cause a complaint to be filed with the administrative hearing commission as provided by chapter 621 against any surety recovery agent 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 All further civil statutory references are to RSMo 2016 unless otherwise indicated.

- (1) Violation of any provisions of, or any obligations imposed by, the laws of this state, the 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;
 - (2) Final adjudication or plea of guilty or nolo contendere in a criminal prosecution under state or federal law for a felony or a crime involving moral turpitude, whether or not a sentence is imposed[.]
22. The Director may refuse to issue a surety recovery agent license to Mikel pursuant to §§ 374.784.5 and 374.787.1(1) because Mikel violated §374.210.1(1) by failing to disclose the two felony charges, the two felony guilty pleas, the felony suspended imposition of sentence and the felony conviction on his Application. *State v. Todd D. Mikel, Jr.*, St. Louis Co. Cir. Ct., Case No. 15SL-CR03780-01 and *State v. Todd Duane Mikel*, St. Francois Co. Cir. Ct., Case No. 15SF-CR00820-01.
23. The Director may refuse to issue a surety recovery agent license to Mikel pursuant to §§ 374.784.5 and 374.787.1(2) because Mikel has a final adjudication and guilty plea in two criminal prosecutions under state law for two felonies, even though one of the guilty pleas resulted in a suspended imposition of sentence. One of the guilty pleas, however, did result in a conviction. *State v. Todd D. Mikel, Jr.*, St. Louis Co. Cir. Ct., Case No. 15SL-CR03780-01 and *State v. Todd Duane Mikel*, St. Francois Co. Cir. Ct., Case No. 15SF-CR00820-01.
24. The above-described instances are grounds upon which the Director may refuse to issue Mikel a surety recovery agent license.
25. Accordingly, and for all of the reasons given in this Petition, the Director has considered Mikel's history and all of the circumstances surrounding Mikel's Application and is exercising her discretion to refuse to issue Mikel a surety recovery agent license.
26. The requested Order is in the public interest.

ORDER

IT IS THEREFORE ORDERED that the surety recovery agent license Application of **Todd D. Mikel** is hereby **REFUSED**.

SO ORDERED.

WITNESS MY HAND THIS 20th DAY OF November, 2019.

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.

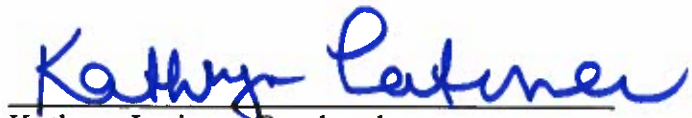
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CERTIFICATE OF SERVICE

I hereby certify that on this 21st day of November, 2019, a copy of the foregoing Order and Notice was served upon the Applicant in this matter by UPS, with signature required, at the following address:

Todd D. Mikel
8731 S. Grand Avenue
St. Louis, Missouri 63125

Tracking No. 1Z0R15W84292199511



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