



DIRECTOR OF DEPARTMENT)
OF COMMERCE AND INSURANCE,)
STATE OF MISSOURI,)
)
Petitioner,)
)
v.)
)
BRUCE DAIQUIRI TEMEN,)
)
Respondent.)
)

DCI Case No. 2402280225H
AHC Case No. 23-0317

**FINDINGS OF FACT, CONCLUSIONS OF LAW
AND ORDER OF DISCIPLINE**

Based on the competent and substantial evidence in the whole record, I, Chlora Lindley-Myers, Director of the Department of Commerce and Insurance, hereby issue the following Findings of Fact, Conclusions of Law and Order of Discipline:

FINDINGS OF FACT

1. Petitioner, Chlora Lindley-Myers, is the duly appointed Director of the Missouri Department of Commerce and Insurance (“Director” of the “Department”) whose duties, pursuant to Chapters 374 and 375, RSMo,¹ include the supervision, regulation, and

¹ All statutory references are to RSMo 2016 unless otherwise noted.

discipline of general bail bond agents and bail bond agents licensed to operate and conduct business in the State of Missouri.

2. On October 23, 2009, the Director issued Bruce Daiquiri Temen (“Temen”) a general bail bond agent license. Temen’s general bail bond agent license was active in Missouri at the time of the investigation and filing of the Complaint in this matter (Tr. 13).

3. Temen’s general bail bond agent license expired on October 23, 2023 (Tr. 13).

4. Temen is the sole owner of Bruce Temen Bail Bonds, with a business address of 411 N. Dill St., Marshfield, Missouri 65706.

5. Temen’s last updated address provided to the Administrative Hearing Commission (the “Commission”) is P.O. Box 703, Marshfield, Missouri, 65706; his most recently reported, updated email address is jeepman1950@outlook.com.

6. In 2022, the Department received several notices from the Webster County Circuit Court regarding bond forfeiture judgments against Temen. This court entered bond forfeiture judgments in the following cases:

- a. *State v. Malana Makayla Taylor*, Webster County Circuit Court, Case No. 20WE-CR00761-01. On February 10, 2022, the Webster County Circuit Court issued judgment against Temen in the amount of \$20,000.00.
- b. *State v. Kyle Wayne Stafford*, Webster County Circuit Court, Case No. 20WE-CR00190-01. On February 10, 2022, the Webster County Circuit Court issued judgment against Temen in the amount of \$5,000.00.
- c. *State v. Crystal Yvonne Eddy*, Webster County Circuit Court, Case No.

19WE-CR00742-01. On or about May 2, 2022, the Webster County Circuit Court issued judgment against Temen in the amount of \$10,000.00.²

- d. *State v. Joseph Paul Riggs*, Webster County Circuit Court, 18WE-CR00984-01. On May 2, 2022, the Webster County Circuit Court issued judgment against Phillip Thrower c/o Temen at Temen's business address in the amount of \$15,000.00.
 - e. *State v. Valery Roxanne Reyes*, Webster County Circuit Court, 21WE-CR00376. On or about April 12, 2022, the Webster County Circuit Court issued judgment against Temen in the amount of \$5,000.00.
 - f. *State v. Michael Roach*, Webster County Circuit Court, 21WE-CR00738-01. On September 6, 2022, the Webster County Circuit Court issued judgment against Temen in the amount of \$25,000.00.
7. Temen is the holder of a Certificate of Deposit, Account Number XXXXX64, ("CD"), at Southern Bank in Marshfield, Missouri, which was assigned to the Director of the Department in her official capacity on December 23, 2022.
 8. On January 6, 2023, the Department provided a letter to Southern Bank requesting to withdraw \$10,000.00 of the proceeds of Temen's CD.
 9. The Department requested that Southern Bank make out a check for \$10,000.00 to the Webster County, Missouri Circuit Court.
 10. On January 18, 2023, Kevin Davidson, a Special Investigator with the

² The Department received two separate judgments in the amount of \$10,000.00 in this case that were file stamped on May 2 and May 3, 2022.

Department, hand-delivered a cashier's check to the Circuit Clerk, Stephanie Vestal ("Vestal"), of the Webster County Circuit Court. Vestal issued the Department receipt number 0235 for receipt of \$10,000.00, applied to case number 20WE-CR00761-01.³

11. Temen's assignment to the Department has been depleted.

12. Temen has not assigned further monies to the Department.

13. Temen's other bond forfeiture judgments remain outstanding.

14. On February 1, 2022, Temen certified, under oath, in a General Bail Bond Affidavit, that there were no unsatisfied judgments against him; the Department received his General Bail Bond Affidavit on February 14, 2022.

15. Temen failed to file sworn affidavits with the Department stating that there were no unsatisfied judgments against him in March 2022, April 2022, May 2022, June 2022, July 2022, August 2022, September 2022, October 2022, November 2022, December 2022, January 2023, and February 2023.

Procedural History

16. On May 19, 2023, the Director filed her Complaint with the Commission seeking a finding by the Commission that the Director had cause, pursuant to § 374.755.1(5) and (6), to discipline Temen's general bail bond agent license. The Commission served Temen with a copy of the Complaint and the Notice of Complaint/Notice of Hearing on May 22, 2023. Return of service of the Complaint was made on May 25, 2023.

³ The check covered \$10,000.00 of the \$20,000.00 judgment in case number 20WE-CR00761-01.

17. Temen was served with the Director's First Set of Interrogatories, First Requests for Production of Documents, and First Requests for Admissions in this matter on July 19, 2023.

18. On August 24, 2023, the Commission held a pre-hearing conference, which both parties attended by telephone. Temen requested additional time to file an answer and respond to the Director's discovery requests. On August 25, 2023, the Commission issued an Order requiring Temen to file an answer by September 25, 2023, and an answer to the Director's discovery requests by October 9, 2023. Temen did not comply with the Commission's August 25, 2023, order.

19. On September 13, 2023, the Commission issued an order requiring each party to file a status report by October 31, 2023, and stating that failure to comply may result in sanctions. Temen did not comply with this order.

20. On January 3, 2024, the Commission issued an order to Temen to show cause by January 9, 2024, why he should not be sanctioned for failure to comply with the Commission's August 25 and September 13 orders. Temen did not respond to this order.

21. On January 10, 2024, the Commission issued a Default Decision ("Decision") in which the Commission sanctioned Temen pursuant to 1 CSR 15-3.425(1)(A) and (2)(B), for repeatedly violating the Commission's orders. The Commission deemed the allegations in the Complaint admitted and found that the Director was entitled to the relief requested therein. The Commission's Decision further provided Temen with thirty days from the date of the Decision to file a motion to set aside establishing good cause. Temen did not file such motion, and the Decision became final.

22. On February 14, 2024, the Commission sent its Certified Record to the Director.

23. The Director then entered her Notice of Hearing setting the matter for a hearing pursuant to § 621.110, on what discipline, if any, to impose on Temen (Tr. 3). The notice was served to the address Temen last provided to the Commission (Tr. 3). The notice was returned as undeliverable with no forwarding address (Tr. 10-11). The notice was further sent to Temen's email address (Tr. 10-11). Temen did not appear at the April 9, 2024, hearing (Tr. 4.).

24. Senior Counsel Rachel M. Jones appeared on behalf of the Department's Consumer Affairs Division ("Division"), and Kevin Davidson, Special Investigator for the Division, testified (Tr. 11-17).

25. During the Hearing, the Hearing Officer took official notice of the Commission's Certified Record and entered it into the record in the disciplinary hearing (Tr. 10, Ex. C). The Hearing Officer also received into evidence Exhibit A, the Notice of Hearing sent to Temen, and Exhibit B, the United States Postal Service tracking information and email delivery notification (Tr. 10-11, Ex. A, Ex. B).

26. At the Disciplinary Hearing, the Division recommended revocation of Temen's general bail bond agent license. (Tr. 16-18).

27. Following the conclusion of the Hearing, the Hearing Officer issued an Order providing the parties with the opportunity to file proposed findings of fact, conclusions of law and order and establishing a briefing schedule. On April 26, 2024, the Division filed its Proposed Findings of Fact, Conclusions of Law and Order of Discipline. Temen did

not file proposed Findings of Fact, Conclusions of Law and Order of Discipline, nor did he file a response to the proposed Findings of Fact, Conclusions of Law and Order of Discipline filed by the Division.

28. The Director hereby adopts and incorporates the Decision of the Administrative Hearing Commission referenced herein and does hereby find in accordance with the same. *Director of Department of Commerce and Insurance v. Bruce Daiquiri Temen*, No. 23-0317 (Mo. Admin. Hrg. Comm’n, January 10, 2024).

CONCLUSIONS OF LAW

29. Section 621.110 outlines the procedure after the Commission finds cause to discipline a license. That statute provides, in relevant part:

Upon a finding in any cause charged by the complaint for which the license may be suspended or revoked as provided in the statutes and regulations relating to the profession or vocation of the licensee...the commission shall deliver or transmit by mail to the agency which issued the license the record and a transcript of the proceedings before the commission together with the commission's findings of fact and conclusions of law. The commission may make recommendations as to appropriate disciplinary action but any such recommendations shall not be binding upon the agency....Within thirty days after receipt of the record of the proceedings before the commission and the findings of fact, conclusions of law, and recommendations, if any, of the commission, the agency shall set the matter for hearing upon the issue of appropriate disciplinary action and shall notify the licensee of the time and place of the hearing[.]...The licensee may appear at said hearing and be represented by counsel. The agency may receive evidence relevant to said issue from the licensee or any other source. After such hearing the agency may order any disciplinary measure it deems appropriate and which is authorized by law.

30. Where an agency seeks to discipline a license, the Commission “finds the predicate facts as to whether cause exists” for the discipline, and then the agency “exercises

final decisionmaking authority concerning the discipline to be imposed.” *State Bd. of Reg’n for the Healing Arts v. Trueblood*, 368 S.W.3d 259, 267-68 (Mo.App. W.D. 2012) (citing § 621.110).

31. Section 374.051.2, relating to a proceeding to revoke or suspend a license, states, in relevant part:

If a proceeding is instituted to revoke or suspend a license of any person under sections 374.755, 374.787, and 375.141, the director shall refer the matter to the administrative hearing commission by directing the filing of a complaint. The administrative hearing commission shall conduct hearings and make findings of fact and conclusions of law in such cases. The director shall have the burden of proving cause for discipline. If cause is found, the administrative hearing commission shall submit its findings of fact and conclusions of law to the director, who may determine appropriate discipline.

32. The Director has discretion to discipline Temen’s general bail bond agent license, including the discretion to revoke such license. Sections 374.051.2, 375.755, and 621.110. The expiration of Temen’s license does not frustrate the Director’s authority to impose discipline. Section 374.755.1.

33. 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, so too, the purpose of § 374.755 is not to punish bail bond agent licensees or applicants, but to protect the public. *See Ballew v. Ainsworth*, 670 S.W.2d 94, 100 (Mo. App. E.D. 1984).

34. Section 374.755 states in relevant 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:

* * *

(5) Misappropriation of the premium, collateral, or other things of value given to a bail bond agent or a general bail bond agent for the taking of bail, incompetency, misconduct, gross negligence, fraud, or misrepresentation in the performance of the functions or duties of the profession licensed or regulated by sections 374.695 to 374.775; [or]

(6) Violation of any provision of or any obligation imposed by the laws of this state, department of commerce and insurance rules and regulations, or aiding or abetting other persons to violate such laws, orders, rules or regulations, or subpoenas;

* * *

2. After the filing of such complaint, the proceedings shall be conducted in accordance with the provisions of chapter 621. Upon a finding by the administrative hearing commission that one or more of the causes stated in subsection 1 of this section have been met, the director may suspend or revoke the license or enter into an agreement for a monetary or other penalty pursuant to section 374.280.

35. Section 374.715.2, RSMo Supp. 2018, provides, in relevant part:

In addition, each applicant for licensure as a general bail bond agent shall furnish proof satisfactory to the department that the applicant or, if the applicant is a corporation, that each officer thereof has completed at least two years as a bail bond agent, and that the applicant possesses liquid assets of at least ten thousand dollars, along with a duly executed assignment of ten thousand dollars to the state of Missouri. The assignment shall become effective upon the applicant's violating any provision of sections 374.695 to 374.789. The assignment required by this section shall be in the form and executed in the manner prescribed by the department. The director may require by regulation conditions by which additional assignments of assets of the general bail bond agent may occur when the circumstances of the business of the general bail bond agent warrants additional funds. However, such additional funds shall not exceed twenty-five thousand dollars.

36. Section 374.763 provides, in relevant part:

1. If any final judgment ordering forfeiture of a defendant's bond is not paid within a six-month period of time, the court shall extend the judgment date

or notify the department of the failure to satisfy such judgment. The director shall draw upon the assets of the surety, remit the sum to the court, and obtain a receipt of such sum from the court. The director may take action as provided by section 374.755, regarding the license of the surety and any bail bond agents writing upon the surety's liability.

* * *

3. All duly licensed and qualified bail bond agents and general bail bond agents shall be qualified, without further requirement, to write bail upon a surety's liability in all courts of this state as provided in rules promulgated by the supreme court of Missouri and not by any circuit court rule.

37. Section 374.760 provides, in relevant part:

Each general bail bond agent shall file, between the first and tenth day of each month, sworn affidavits with the department stating that there are no unsatisfied judgments against him. Such affidavits shall be in the form and manner prescribed by the department.

38. 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:

* * *

(f) Has no outstanding forfeiture or unsatisfied judgment thereon entered upon any bail bond in any court of this state or of the United States.

39. Incompetency is “a licensee's general lack of present ability, or a lack of disposition to use his otherwise sufficient present ability, to perform a given duty” and a failure to satisfy judgments and bond forfeitures “reflects at least an indisposition to employ...professional abilities.” *AAAA Aces Bonding Co., Inc., vs. Dir. of Ins.*, No. 05-1207 DI (Mo. Admin. Hrg. Comm’n Feb. 15, 2006).

Temen has demonstrated incompetency in the performance of the functions or duties of the bail bondsman profession licensed or regulated under §§ 374.695 to 374.775

40. In accordance with the allegations in the Complaint deemed admitted by the Commission in its Decision, Temen failed to satisfy the following six outstanding bond forfeiture judgments:

- a. *State v. Malana Makayla Taylor*, Webster County Circuit Court, Case No. 20WE-CR00761-01. On February 10, 2022, the Webster County Circuit Court entered judgment against Temen in the amount of \$20,000.00. The Department drew upon Temen's CD in the amount of \$10,000.00 to partially satisfy the \$20,000.00 bond forfeiture judgment. Temen owes a remaining \$10,000.00 of that judgment.
- b. *State v. Kyle Wayne Stafford*, Webster County Circuit Court, Case No. 20WE-CR00190-01. On February 10, 2022, the Webster County Circuit Court entered a bond forfeiture judgment in the amount of \$5,000.00.
- c. *State v. Crystal Y. Eddy*, Webster County Circuit Court, Case No. 19WE-CR00742-01. On or about May 2, 2022, the Webster County Circuit Court issued judgment finding Temen has an outstanding bond forfeiture judgment in the amount of \$10,000.00.
- d. *State v. Joseph Paul Riggs*, Webster County Circuit Court, 18WE-CR00984-01. On May 2, 2022, the Webster County Circuit Court issued judgment finding Temen has an outstanding bond forfeiture judgment in the amount of \$15,000.00.

- e. *State v. Valery Roxanne Reyes*, Webster County Circuit Court, 21WE-CR00376. On or about April 12, 2022, the Webster County Circuit Court issued judgment against Temen in the amount of \$5,000.00.
- f. *State v. Michael Roach*, Webster County Circuit Court, 21WE-CR00738-01. On September 6, 2022, the Webster County Circuit Court issued judgment against Temen in the amount of \$25,000.00.

41. Temen's failure to fully satisfy these bond forfeiture judgments demonstrates that he is incompetent to perform the duties of a general bail bond agent. *AAAA Aces Bonding Co., Inc., vs. Dir. of Ins.*, No. 05-1207 DI (Mo. Admin. Hrg. Comm'n Feb. 15, 2006). Temen further violated Missouri Supreme Court Rule 33.17. Temen may not be a surety on any bail bond due to his unsatisfied judgments; he is therefore not qualified and thus incompetent to perform the basic duties of the profession.

42. Because Temen has demonstrated incompetency in the performance of the functions or duties of the bail bondsman profession licensed or regulated under §§ 374.695 to 374.775, the Director has shown that she has cause to discipline Temen's general bail bond agent license pursuant to § 374.755.1(5).

Temen has violated obligations imposed by the laws of the State of Missouri by failing to pay multiple bond forfeiture judgments

43. In accordance with the allegations in the Complaint deemed admitted by the Commission in its Decision, Temen has outstanding forfeitures or unsatisfied judgments in violation of Missouri Supreme Court Rule 33.17(f), as follows:

- a. *State v. Malana Makayla Taylor*, Webster County Circuit Court, Case No.

20WE-CR00761-01. On February 10, 2022, the Webster County Circuit Court entered judgment against Temen in the amount of \$20,000.00. The Department drew upon Temen's CD in the amount of \$10,000.00 to partially satisfy the \$20,000.00 bond forfeiture judgment. Temen owes a remaining \$10,000.00 of that judgment.

- b. *State v. Kyle Wayne Stafford*, Webster County Circuit Court, Case No. 20WE-CR00190-01. On February 10, 2022, the Webster County Circuit Court entered a bond forfeiture judgment in the amount of \$5,000.00.
- c. *State v. Crystal Y. Eddy*, Webster County Circuit Court, Case No. 19WE-CR00742-01. On or about May 2, 2022, the Webster County Circuit Court issued judgment finding Temen has an outstanding bond forfeiture judgment in the amount of \$10,000.00.
- d. *State v. Joseph Paul Riggs*, Webster County Circuit Court, 18WE-CR00984-01. On May 2, 2022, the Webster County Circuit Court issued judgment finding Temen has an outstanding bond forfeiture judgment in the amount of \$15,000.00.
- e. *State v. Valery Roxanne Reyes*, Webster County Circuit Court, 21WE-CR00376. On or about April 12, 2022, the Webster County Circuit Court issued judgment against Temen in the amount of \$5,000.00.
- f. *State v. Michael Roach*, Webster County Circuit Court, 21WE-CR00738-01. On September 6, 2022, the Webster County Circuit Court issued judgment against Temen in the amount of \$25,000.00.

44. Because Temen violated an obligation imposed by the laws of this state, namely, § 374.763.1, in that Temen has outstanding forfeitures or unsatisfied judgments in violation of Missouri Supreme Court Rule 33.17(f), the Director has shown that she has cause to discipline Temen's general bail bond agent license pursuant to § 374.755.1(6).

Temen has failed to maintain a duly executed assignment of ten thousand dollars to the State of Missouri

45. In accordance with the allegations in the Complaint deemed admitted by the Commission in its Decision, Temen's assignment of \$10,000.00 to the State of Missouri was depleted when the State of Missouri drew upon Temen's CD to partially satisfy the \$20,000.00 bond forfeiture judgment in the case *State v. Malana Makayla Taylor*, Webster County Circuit Court, Case No. 20WE-CR00761-01. Temen has not assigned further monies to the Department. Temen has failed to maintain a duly executed assignment of ten thousand dollars to the State of Missouri.

46. Because Temen violated an obligation imposed by the laws of this state, namely, §§ 374.715.2, 374.763.3, and Missouri Supreme Court Rule 33.17, the Director has shown that she has cause to discipline Temen's general bail bond agent license pursuant to § 374.755.1(6).

Temen has violated obligations imposed by the laws of the State of Missouri by failing to file sworn affidavits

47. In accordance with the allegations in the Complaint deemed admitted by the Commission in its Decision, Temen was required by § 374.760 to file a sworn affidavit with the Department each month stating that there are no unsatisfied judgments against him. Temen failed to file with the Department sworn affidavits certifying that he had no

unsatisfied judgments against him in March 2022, April 2022, May 2022, June 2022, July 2022, August 2022, September 2022, October 2022, November 2022, December 2022, January 2023, and February 2023.

48. Because Temen violated an obligation imposed by the laws of this state, namely § 374.763.3, in that Temen failed to file twelve (12) sworn affidavits with the Department as required by § 374.760, the Director has shown that she has cause to discipline Temen’s general bail bond agent license pursuant to § 374.755.1(6).

49. Considering the Commission’s findings of cause for discipline, the prolonged nature of the conduct involved, Temen’s inability or unwillingness to comply with multiple Missouri laws required to operate as a bail bondsman, and Temen’s failure to engage with the proceedings both at the Department and at the Commission, revocation of Temen’s expired, general bail bond agent license pursuant to § 374.755.1(5) and (6) is appropriate.

ORDER

Based on the foregoing findings and conclusions, the general bail bond agent license of Bruce Daiquiri Temen (Number 8371851) is hereby **REVOKED**.

SO ORDERED, SIGNED AND OFFICIAL SEAL AFFIXED THIS 24th DAY
OF May, 2024.

Chlora Lindley-Myers

Chlora Lindley-Myers, Director
Missouri Department of
Commerce and Insurance



CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing was served via United States Postal Service, certified mail, with a courtesy copy by email this 24th day of May 2024, to:

Bruce D. Temen
P.O. Box 703
Marshfield, MO 65706
jeepman1950@outlook.com

Certified No. 7022 2410 0000 2764 5220

and by hand delivery, with a courtesy copy by email, to:

Rachel M. Jones
Attorney for the Consumer Affairs Division
Rachel.M.Jones@insurance.mo.gov



Kathryn Latimer

Paralegal

Missouri Department of Commerce and Insurance

301 West High Street, Room 530

Jefferson City, Missouri 65101

Telephone: 573.751.2619

Facsimile: 573.526.5492

Email: kathryn.latimer@insurance.mo.gov