



DEPARTMENT OF COMMERCE AND INSURANCE

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

IN RE:)
)
JACKIE DAWN HARVILL,) **Case No. 2002210209C**
)
Applicant.)

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

CHLORA LINDLEY-MYERS, Director of the Missouri Department of Commerce and Insurance, takes up the above matter for consideration and disposition. 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. Jackie Dawn Harvill (“Harvill”) is a Missouri resident with a reported residential address of 4518 W. LaCasa, Springfield, Missouri 65802.
2. On December 2, 2019, Harvill, submitted a Missouri Uniform Application for Bail Bond or Surety Recovery License (“Application”) to the Department.
3. At the Department’s request, Harvill submitted additional information, and on December 4, 2019, the Department deemed her Application complete.
4. The “Applicant Signature” section of the Application reads, 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.

5. Harvill signed the Applicant Signature section of the Application attesting to the truth and completeness of her Application.
6. Background Question III.B. on the Application states in relevant part:

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).
7. Harvill answered “No” to Background Question III.B. on her Application.
8. On December 6, 2019, Kevin Davidson, Special Investigator (“Davidson”) with the Division of Consumer Affairs (“Division”) sent Harvill a letter notifying her that the fingerprint-based criminal history record requested and received from the Missouri State Highway Patrol revealed “a guilty plea to a 2013 misdemeanor, ‘DWR/DWS-2nd or Subsqt Offense’, in Greene County Circuit Court; a guilty plea to a 2014 misdemeanor, ‘DWR/DWS-2nd or Subsqt Offense,’ in Greene County Circuit Court; a guilty plea to a 2015 misdemeanor, ‘DWR/DWS-2nd or Subsqt Offense,’ in Greene County Circuit Court; and a guilty plea to a 2017 felony, ‘DWI-Aggravated’ in Greene County Circuit Court,” none of which Harvill disclosed on her Application.
9. The December 6, 2019, letter also advised Harvill that if she elected to continue with the application process, she needed to provide, among other things, certified copies of the “Complaint, Information, and Sentence and Judgment from each case.” The letter further sought a detailed explanation “regarding how you are in compliance with Missouri Supreme Court Rule 33.17.”
10. In a letter dated December 28, 2019, Harvill provided an explanation of why she believed she was in compliance with the Supreme Court Rule and copies of the docket sheets for certain court cases. But she did not enclose certified copies of the documents, nor did she provide certified copies of the complaint, information, sentence or judgment for each case. Harvill also included a copy of a Motion to Vacate, Set Aside or Correct the Judgment or Sentence she filed on December 17, 2018, in the 2017 felony case.
11. Davidson requested and obtained certified copies of the cases from the circuit court clerk’s office.

12. The documents Davidson obtained showed that on June 19, 2013, the Greene County Prosecuting Attorney charged Harvill with Driving While Revoked-2nd or Subsequent Offense, an unclassified misdemeanor. On October 22, 2014, Harvill pled guilty to the misdemeanor, and on that same date, the Greene County Circuit Court found her guilty of the charge. The Court sentenced Harvill to pay a fine and court costs. *State v. Jackie Dawn Harvill*, Greene Co. Cir. Ct., Case No. 1331-CR07053.
13. Additionally, the documents showed that on October 8, 2014, the Greene County Prosecutor charged Harvill with Driving While Revoked-2nd or Subsequent Offense, an unclassified misdemeanor. On November 19, 2014, the Greene County Prosecutor filed an Information. On January 26, 2015, Harvill pled guilty to the charge. On that same date, the Greene County Associate Circuit Court accepted the plea and sentenced Harvill to serve 180 days in the Greene County Jail. The Court then suspended execution of the sentence and placed Harvill on two years unsupervised probation and directed her to complete 60 hours in the Court Alternative Sentencing Program (“CASP”) by a date certain. *State v. Jackie Dawn Harvill*, Greene Co. Assoc. Cir. Ct., Case No. 1431-CR06617.
14. Further, the documents showed that on April 25, 2015, the Greene County Prosecutor charged Harvill with Driving While Revoked/Suspended-2nd or Subsequent Offense, an unclassified misdemeanor. On February 8, 2016, Harvill pled guilty to the misdemeanor charge. On that same date, the Greene County Associate Circuit Court accepted her plea and sentenced her to 180 days in the Greene County Jail. The Court then suspended execution of the sentence and placed Harvill on two years’ probation in the CASP (Traffic Probation.) *State v. Jackie Dawn Harvill*, Greene Co. Assoc. Cir. Ct., Case No. 1531-CR03553.
15. Then on January 5, 2018, the Greene County Associate Circuit Court revoked Harvill’s probation in Case No. 1531-CR03553. The Court sentenced Harvill to serve 180 days in jail and then suspended execution of the sentence. The Court placed Harvill on an additional one year of unsupervised probation. *Id.*
16. Finally, the documents show that on March 21, 2017, the Greene County Prosecuting Attorney charged Harvill with Driving While Intoxicated-Aggravated, a Class D Felony (Count I); Driving While Revoked/Suspended-2nd or 3rd Offense, a Class A Misdemeanor (Count II); Failure to Register Motor Vehicle, a Class B Misdemeanor (Count III); and Owner Operating Motor Vehicle Without Maintaining Financial Responsibility, a Class D Misdemeanor (Count IV). *State v. Jackie Dawn Harvill*, Greene Co. Cir. Ct., Case No. 1731-CR04144-01.
17. The factors that resulted in the Driving While Intoxicated charge being an Aggravated charge and Class D Felony were based on the following:

- a. On September 22, 2003, Harvill was found guilty of Driving While Intoxicated for events that occurred December 8, 2002, in Greene County, Missouri;
 - b. On March 3, 2009, Harvill was found guilty of Driving While Intoxicated (prior offender) for events that occurred on September 1, 2007, in Christian County, *State v. Jackie Dawn Harvill*, Christian Co. Cir. Ct., Case No. 08N8-CR01828; and
 - c. On July 14, 2009, Harvill was found guilty of Driving While Intoxicated (prior offender) for events that occurred May 24, 2007, in Greene County. *State v. Jackie Dawn Harvill*, Greene Co. Cir. Ct., Case No. 0831-CR00392.
18. On June 29, 2018, Harvill pled guilty to the charge of Driving While Intoxicated-Aggravated, a Class D Felony. According to the plea agreement Harvill entered into with the Greene County Prosecutor, the other three charges were dismissed. Also on June 29, 2018, the Greene County Circuit Court accepted Harvill's guilty plea and sentenced her to 7 years imprisonment with the Department of Corrections. The Court then suspended execution of the sentence and ordered her to pay court costs; to pay an amount to the Crime Victim's Compensation Fund; and placed her on probation for five years under the supervision of the Missouri Board of Probation and Parole. The Special Conditions of Probation included, among other things, that Harvill be placed in Treatment Court, and she was ordered to report to that court on September 17, 2018. The Court further ordered that she serve 60 days of shock probation in the Greene County Jail commencing at 12:00 pm on July 8, 2018. *State v. Jackie Dawn Harvill*, Greene Co. Cir. Ct., Case No. 1731-CR04144-01.
19. On July 31, 2018, the Board of Probation and Parole notified the Greene County Circuit Court that Harvill failed to appear on July 8, 2018, to serve the 60 days shock time. As a result, the Court suspended probation in order to conduct a hearing on possible termination of the placement in Treatment Court. *Id.*
20. On August 1, 2018, the Board of Probation and Parole filed a Probation Violation. On November 7, 2018, the state filed a Motion to Revoke Probation. On November 16, 2018, the Board of Probation and Parole filed another Probation Violation. *Id.*
21. During an appearance before the Court, the Greene County Circuit Court directed Harvill to immediately begin serving the 60 days shock detention in the Greene County Jail. The Court also re-set the termination hearing for February 15, 2019. *Id.*
22. On May 6, 2019, the Court held the termination hearing and ordered modifications of certain of the Special Conditions of Probation. The Court ordered Harvill to serve shock detention in the Greene County Jail from May 8, 2019, to May 9, 2019. *Id.*

23. On December 2, 2019, the Greene County Circuit Court learned that Harvill had failed to appear for Treatment Court, which resulted in the Court issuing a warrant. *Id.*
24. On December 9, 2019, the Court held a hearing and committed Harvill to Greene County Jail. The Court further directed that Harvill was to appear before it on December 10, 2019. On that date, the Court ordered Harvill discharged from Greene County Jail and to appear in Treatment Court on December 16, 2019. *Id.*
25. On February 24, 2020, the Greene County Circuit Court learned that Harvill had again failed to appear in Treatment Court and ordered that a warrant issue, with bond set at \$1000.00. *Id.*
26. On February 25, 2020, the warrant directed at Harvill issued for Failure to Appear. To date, the warrant remains outstanding. *Id.*
27. It is reasonable to infer and hereby found as fact that Harvill did not disclose the felony charge, the felony guilty plea, the felony conviction, the eight misdemeanor charges and the five misdemeanor convictions on her Application to increase the chances that the Department would issue her a license. *State v. Jackie Dawn Harvill*, Christian Co. Cir. Ct., Case No. 08N8-CR01828; *State v. Jackie Dawn Harvill*, Greene Co. Cir. Ct., Case No. 0831-CR00392; *State v. Jackie Dawn Harvill*, Greene Co. Cir. Ct., Case No. 1331-CR07053; *State v. Jackie Dawn Harvill*, Greene Co. Assoc. Cir. Ct., Case No. 1431-CR06617; *State v. Jackie Dawn Harvill*, Greene Co. Assoc. Cir. Ct., Case No. 1531-CR03553; *State v. Jackie Dawn Harvill*, Greene Co. Cir. Ct., Case No. 1731-CR04144-01.

CONCLUSIONS OF LAW

28. Section 374.715.1, RSMo (Cum. Supp. 2018) provides as follows:
 1. 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, 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.

29. Section 374.750 provides;

The director may refuse to issue or renew any license pursuant to sections 374.700 to 374.775, for any one or any combination of causes stated in section 374.755. 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.

30. Section 374.755 provides in pertinent 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 section 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:

- (1) Final adjudication or 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;
- (2) Use of fraud, deception, misrepresentation or bribery in securing any license or in obtaining permission to take any examination required pursuant to sections 374.695 to 374.775;

- (6) Violation of any provision of 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[.]

31. Missouri Supreme Court Rule 33.17 provides in pertinent part:

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 or the United States; or
- (2) Any other crime of this state or the United States involving moral turpitude, whether or not a sentence was imposed[.]

32. By pleading guilty to the Class D Felony of Driving While Intoxicated-Aggravated, in violation of § 577.010, within the past fifteen (15) years (Harvill pled guilty in 2018), Harvill is disqualified for bail bond agent licensure because she fails to meet the qualifications set forth in Missouri Supreme Court Rule 33.17(c)(1) and § 374.715.4, RSMo (Cum. Supp. 2018). *State v. Jackie Dawn Harvill*, Greene Co. Cir. Ct., Case No. 1731-CR04144-01. 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 Harvill a bail bond agent license.
33. The Director may refuse to issue a bail bond agent license to Harvill pursuant to §§ 374.750 and 374.755.1(2) because Harvill has a final adjudication and guilty plea and conviction in a criminal prosecution under state law for a felony, specifically, Harvill pled guilty in 2018 to Driving While Intoxicated-Aggravated, in violation of § 577.010. *State v. Jackie Dawn Harvill*, Greene Co. Cir. Ct., Case No. 1731-CR04144-01.
34. The Director may refuse to issue a bail bond agent license to Harvill pursuant to §§ 374.750 and 374.755.1(3) because Harvill used deception, fraud and misrepresentation in attempting to obtain a bail bond agent license by failing to disclose her criminal history, namely, the felony charge, the felony guilty plea, the felony conviction, the eight misdemeanor charges and the five misdemeanor convictions on her Application. *State v. Jackie Dawn Harvill*, Christian Co. Cir. Ct., Case No. 08N8-CR0182; *State v. Jackie Dawn Harvill*, Greene Co. Cir. Ct., Case No. 0831-CR00392; *State v. Jackie Dawn Harvill*, Greene Co. Cir. Ct., Case No. 1331-CR07053; *State v. Jackie Dawn Harvill*, Greene Co. Assoc. Cir. Ct., Case No. 1431-CR06617; *State v. Jackie Dawn Harvill*, Greene Co. Assoc. Cir. Ct., Case No. 1531-CR03553; *State v. Jackie Dawn Harvill*, Greene Co. Cir. Ct., Case No. 1731-CR04144-01.
35. Each of Harvill's violations of a law or Department regulation constitutes separate and sufficient cause to refuse to issue Harvill a bail bond agent license under § 374.755.1(6).
36. Under Missouri Supreme Court Rule 33.17(c)(1) and § 374.715.1, RSMo (Cum. Supp. 2018), Harvill 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 Harvill.

37. Moreover, the above-described instances constitute cause to refuse to issue a bail bond agent license to Harvill. Issuing a bail bond agent license to Harvill would not be in the public interest.
38. Accordingly, and for all of the reasons given in this Petition, the Director has considered Harvill's history and all of the circumstances surrounding Harvill's Application and refuses to issue Harvill a bail bond agent license.

ORDER

IT IS THEREFORE ORDERED that the Application of **Jackie Dawn Harvill** is hereby **REFUSED**.

SO ORDERED.

WITNESS MY HAND THIS 18th DAY OF December, 2020.



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.

CERTIFICATE OF SERVICE

I hereby certify that on this 1st day of July, 2016, a copy of the foregoing Order and Notice was served upon the Applicant in this matter by UPS, signature required, at the following address:

Jackie Dawn Harvill
4518 W. LaCasa
Springfield, Missouri 65802

Tracking No. 1Z0R15W84296198238



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