


MAY 31 2012

DEPT. OF INSURANCE
BY 

STATE OF ARIZONA
DEPARTMENT OF INSURANCE

In the Matter of:

**EASY BAIL BONDS, LLC¹,
(Arizona License # 905938)
CAMPOFIORE, ALBERT JOSEPH²,
(Arizona License # 946698)
(National Producer # 3390813)
ENNIS, SCOTT ALAN,
(Arizona License # 905937)
(National Producer # 4685605), and
GAGNON, JOSEPH HENRY (JR)
(Arizona License # 947520)
(National Producer # 14428726)**

No. 11A-015-INS

**ORDER REVOKING LICENSE OF SCOTT
ALAN ENNIS (Arizona License # 905937)**

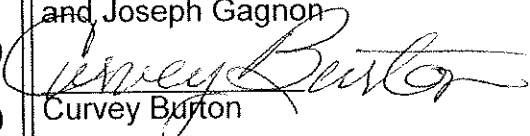
Respondents.

On May 8, 2012, the Office of Administrative Hearings, through Administrative Law Judge ("ALJ") Lewis D. Kowal, issued an Administrative Law Judge Decision ("Recommended Decision"), received by the Director of the Department of Insurance ("Director") on May 15, 2012, a copy of which is attached and incorporated by this reference. The Director of the Department of Insurance has reviewed the Recommended Decision and enters the following Order:

1. The Director adopts the Recommended Findings of Fact and Conclusions of Law.

¹ On January 13, 2012, Respondents Easy Bail Bonds, LLC ("Easy BB") and Joseph Henry Gagnon, Jr. ("Gagnon") entered into a Consent Order with the Department ("January 2012 Consent"). The January 2012 Consent resolved issues with Easy BB and Gagnon, revoked Easy BB's license and dismissed Gagnon as a party.

² On April 24, 2012, Respondent Albert Joseph Campofiore ("Campofiore") entered into a Consent Order with the Department ("April 2012 Consent"). The April 2012 Consent resolved issues with Campofiore and dismissed him as a party.

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MAY 15 2012

DIRECTOR'S OFFICE
INSURANCE DEPT.

IN THE OFFICE OF ADMINISTRATIVE HEARINGS

In the Matter of:

No. 11A-015-INS

EASY BAIL BONDS, LLC,
(License # 905938)

ADMINISTRATIVE
LAW JUDGE DECISION

CAMPOFIORE, ALBERT JOSEPH
(Arizona License # 946698)
(National Producer # 3390813),

ENNIS, SCOTT ALAN
(Arizona License # 905937)
(National Producer # 4685605),

and

GAGNON, JOSEPH HENRY (JR)
(Arizona License # 947520)
(National Producer # 14428726),

Respondents.¹

HEARING: April 26, 2012

APPEARANCES: Assistant Attorney General Alyse Meislik on behalf of the
Arizona Department of Insurance; Scott Alan Ennis did not appear at the hearing

ADMINISTRATIVE LAW JUDGE: Lewis D. Kowal

FINDINGS OF FACT

1. At all times material to this matter, Easy Bail Bonds, LLC ("Easy Bail Bonds")
was licensed by the Arizona Department of Insurance ("Department") as an Arizona
resident bail bond agent, whose license expired on November 30, 2011.

¹ Prior to convening the hearing, the Arizona Department of Insurance entered into consent agreements
with all of the named Respondents with the exception of Scott Alan Ennis. Therefore, although the
caption of this matter has not been amended, the Department only proceeded with the instant
disciplinary matter against Mr. Ennis.

1 2. At all times material to this matter, Mr. Scott Alan Ennis ("Mr. Ennis") was
2 licensed by the Department as an Arizona resident bail bond agent, whose license
3 expired on August 31, 2011.

4 3. According to the records of the Arizona Corporation Commission, Easy Bail
5 Bonds was formed with Mr. Ennis as a member/manager and Kevin Goulart as the
6 manager.

7 4. At the time when Easy Bail Bonds became licensed with the Department, Mr.
8 Goulart was listed on the license as the Designated Responsible Licensed Producer
9 ("DRLP"), and Mr. Ennis was listed as a member/ manager.

10 5. The Arizona Corporation Commission records also indicate that Mr. Ennis was a
11 member/manager of Easy Bail Bonds from June 13, 2007 though September 22, 2009.
12 The Arizona Corporation Commission records of Easy Bail Bonds reflect that on May
13 29, 2008, Kevin Goulart filed Articles of Amendment showing that as of that date, Mr.
14 Goulart was to be removed as manager of Easy Bail Bonds.

15 6. The Arizona Corporation Commission records of Easy Bail Bonds also reflect
16 that as of September 23, 2009, Joseph Gagnon was its manager and a member, and
17 Albert J. Campofiore was a member.

18 7. Steven Fromholtz ("Mr. Fromholtz"), the Producer Licensing Administrator with
19 the Department, testified that the Department has the authority to proceed against Mr.
20 Ennis in this matter pursuant to A.R.S. § 20-295(H), even though Mr. Ennis' license has
21 lapsed by operation of law. Mr. Fromholtz also testified that the Department has no
22 record of receiving any notification from Mr. Ennis that he was no longer a
23 member/manager of Easy Bail Bonds.

24 8. Mr. Fromholtz testified that on September 29, 2010, the Department received an
25 email notification from Mr. Goulart that he had resigned his position with Easy Bail
26 Bonds and has had no dealings with it since April 2008. Such notification, according to
27 Mr. Fromholtz, was considered notification that Mr. Goulart was no longer the DRLP of
28 Easy Bail Bonds, but that such notification was not done within the requisite 30 days of
29 such change.
30

1 9. Mr. Fromholtz further testified that on August 1, 2011, Mr. Ennis submitted a
2 renewal application for the license and the residential address listed by Mr. Ennis in the
3 renewal application was a Connecticut address. According to Mr. Fromholtz, the
4 Department declined to renew Mr. Ennis' license because he was no longer a resident
5 of Arizona and Arizona law does not permit the Department to license a non-resident as
6 a bail bond agent.

7 10. Mr. Fromholtz explained that the Department did not keep the renewal
8 application and returned it to Mr. Ennis and noted that his mailing address was in
9 Connecticut. However, Mr. Ennis' most recent business and mailing address of record
10 with the Department during the time Mr. Ennis' bail bond agent license was active was
11 "care of 2nd Chance Bail Bonds, 1646 W. Culver Street, Phoenix, Arizona."

12 11. On or about December 15, 2008, Mr. Ennis entered into a Consent Agreement,
13 stipulation and Final Order with the State of Connecticut Insurance Department
14 ("Connecticut Insurance Department") *In the Matter of Scott Ennis*, Docket No. LI 08-
15 123 ("First Consent Agreement"). In the First Consent Agreement, the Connecticut
16 Insurance Department alleged that Mr. Ennis acted in an untrustworthy or financially
17 irresponsible manner by failing to return collateral to bail bond co-signers in a timely
18 manner when the co-signers had made attempts to collect the collateral.

19 12. In the First Consent Agreement, Mr. Ennis was ordered to pay a \$3,500.00 fine,
20 ordered to be placed on one year probation, required to file a written report of his
21 insurance activities every six months, and stipulated that a violation of the Agreement
22 would result in immediate suspension of his Connecticut bail bond producer's license.
23 Mr. Ennis did not admit or deny those allegations.

24 13. On or about June 8, 2009, Mr. Ennis entered into a Consent Agreement,
25 Stipulation and Final Order with the Connecticut Insurance Department *In the Matter of*
26 *Scott A. Ennis*, Docket No. L 09-32 ("Second Consent Agreement"). In the Second
27 Consent Agreement, the Connecticut Insurance Department alleged that Mr. Ennis had
28 failed to act in a trustworthy and financially responsible manner in two instances
29 involving his failure to return collateral, and revoked his Connecticut bail bond producer
30

1 upon Mr. Goulart's disassociation from Easy Bail Bonds, is required to know, and
2 should have known, the statutory requirements of a licensee. These requirements
3 include notifying the Department of a change of the DRLP and/or change of a member
4 of Easy Bail Bonds and that Easy Bail Bonds could only operate as a licensed bail
5 bond agent in Arizona if it had a DRLP.

6 23. During the time when the above-mentioned bonds were posted and authorized
7 to be exonerated, Mr. Ennis was the sole member of Easy Bail Bonds. According to Mr.
8 Fromholtz, as the sole member of Easy Bail Bonds, Mr. Ennis was, by default, the
9 DRLP for Easy Bail Bonds due to the resignation of Mr. Goulart. Mr. Fromholtz further
10 explained that according to the Department's records, Mr. Ennis as the only licensed
11 person thorough which Easy Bail Bonds could have had the bonds issued with respect
12 to Ms. Fairchild and Mr. Miles. Mr. Ennis had an obligation to ensure that the collateral
13 received for the above-mentioned bail bonds was properly returned upon being
14 exonerated, which he failed to do.

15 24. Mr. Fromholtz testified that other than Mr. Goulart notifying the Department of a
16 change of the DRLP, which was not done within the requisite time period, the
17 Department did not receive notification of a change of members of Easy Bail Bonds.

18 **CONCLUSIONS OF LAW**

19 1. Because this matter is disciplinary in nature, the Department bears the burden of
20 proof. The standard of proof on all issues is by a preponderance of the evidence. See
21 A.A.C. R2-19-119.

22 2. A preponderance of the evidence is "such proof as convinces the trier of fact that
23 the contention is more probably true than not." Morris K. Udall, ARIZONA LAW OF
24 EVIDENCE § 5 (1960). It is "[e]vidence which is of greater weight or more convincing
25 than the evidence which is offered in opposition to it; that is, evidence which as a whole
26 shows that the fact sought to be proved is more probable than not." BLACK'S LAW
27 DICTIONARY 1182 (6th ed. 1990).

28 3. The Director of the Department retains the authority to proceed against Mr.
29 Ennis' bail bond agent license even though the license has expired by operation of law.
30 See A.R.S. § 20-295(H).

1 4. Mr. Ennis' conduct, as set forth above, constitutes a failure to notify the Director
2 of the Department in writing within thirty days of any changes in Easy Bail Bonds'
3 members, directors, or officers, or designated producers, in violation of A.R.S. § 20-
4 286(C)(2), as applied to bail bond agents under A.R.S. § 20-340.06.

5 5. Mr. Ennis' conduct, as set forth above, constitutes improperly withholding,
6 misappropriating, or converting monies received in the course of doing insurance
7 business, in violation of A.R.S. § 20-295(A)(4), as applied to bail bond agents under
8 A.R.S. § 20-340.06.

9 6. Mr. Ennis' conduct, as set forth above, constitutes incompetence,
10 untrustworthiness, or financial irresponsibility in the conduct of business in the state of
11 Arizona, in violation of A.R.S. § 20-295(A)(8), as applied to bail bond agents under
12 A.R.S. § 20-340.06.

13 7. As set forth in the above Findings of Fact, Mr. Ennis failed to return collateral to
14 a person who deposited it with Easy Bail Bonds as soon as the obligation secured by
15 the collateral was discharged, in violation of A.A.C. R20-6-601(E)(4)(b).

16 8. Mr. Ennis' conduct, as set forth above, constitutes the violation of any provision
17 of A.R.S., Title 20, or any rule or order of the Director of the Department within the
18 meaning of A.R.S. § 20-295(A)(2), as applied to bail bond agents under A.R.S. § 20-
19 340.06.

20 9. Grounds exist, based upon the above-found violations of law, for the Director of
21 the Department to revoke Mr. Ennis' bail bond agent license pursuant to A.R.S. § 20-
22 295(A) and (B), as applied to bail bond agents under A.R.S. § 20-340.06.

23 **ORDER**

24 On the effective date of the Order entered in this matter, Mr. Ennis' Arizona bail
25 bond agent license shall be revoked.

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27 *In the event of certification of the Administrative Law Judge Decision by the*
28 *Director of the Office of Administrative Hearings, the effective date of the Order will be 5*
29 *days from the date of that certification.*

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Done this day, May 8, 2012.

/s/ Lewis D. Kowal
Administrative Law Judge

Transmitted electronically to:

Christina Urias, Director
Department of Insurance