

FEB 05 2019

DEPT OF INSURANCE
BY mk

STATE OF ARIZONA

DEPARTMENT OF INSURANCE

In the Matter of:

ASAP BAIL BONDS, LLC
(National Producer Number 17738494)
(Legacy License ID 1126048)
and
ROBINETTE, TRANISHA KAY
(National Producer Number 17389043)
(Legacy License ID 1091011)

No. 18A-078-INS

ORDER

Respondents.

On January 30, 2019, the Office of Administrative Hearings, through Administrative Law Judge Kay Abramsohn, issued an Administrative Law Judge Decision ("Recommended Decision"), received by the Director of the Department of Insurance ("Interim Director") on January 31, 2019, 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 with the following correction:
 - a. Finding of Fact paragraph 8 shall be changed to read: "ASAP Bail Bonds paid \$900.00 to Ms. Doherty on January 17, 2018."
2. The Director revokes the Arizona resident insurance producer license of **ASAP Bail Bonds, LLC** (National Producer Number 17738494), effective immediately.

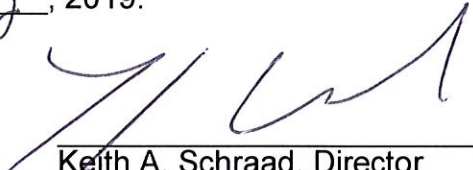
1 3. The Director revokes the Arizona resident insurance producer license of
2 **Tranisha Kay Robinette**, National Producer Number 17389043, effective
3 immediately.

4 ...
5 **NOTIFICATION OF RIGHTS**

6 Pursuant to Arizona Revised Statutes ("A.R.S.") § 41-1092.09, Respondents may
7 request a rehearing with respect to this order by filing a written motion with the Director of
8 the Department of Insurance within 30 days of the date of this Order, setting forth the basis
9 for relief under A.A.C. R20-6-114(B). Pursuant to A.R.S. § 41-1092.09, it is not necessary
10 to request a rehearing before filing an appeal to Superior Court.

11 Respondents may appeal the final decision of the Director to the Superior Court of
12 Maricopa County for judicial review pursuant to A.R.S. § 20-166. A party filing an appeal
13 must notify the Office of Administrative Hearings of the appeal within ten days after filing
14 the complaint commencing the appeal, pursuant to A.R.S. § 12-904(B).

15 DATED this 5th day of February, 2019.

16 
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18 Keith A. Schraad, Director
Arizona Department of Insurance

19
20
21 **COPY** of the foregoing mailed this
22 7th day of February, 2019, to:

23 Tranisha K. Robinette
24 ASAP Bail Bonds, LLC
25 2942 N. 24th St., #114
Phoenix, AZ 85016
Respondents

1 Tranisha K. Robinette
2 2302 N. 37th St.
3 Phoenix, AZ 85008
4 Respondent

5 Office of Administrative Hearings
6 1740 West Adams St., Lower Level
7 Phoenix, Arizona 85007

8 **COPY** of the foregoing delivered, same date, to:

9 Mary Kosinski, Regulatory Legal Affairs Officer
10 Catherine O'Neil, Consumer Legal Affairs Officer
11 Steven Fromholtz, Assistant Director – Consumer Protection Division
12 Aqueelah Currie, Licensing Supervisor
13 Wendy Greenwood, Investigations Supervisor
14 Sharyn Kerr, Consumer Protection Division
15 Arizona Department of Insurance
16 100 North 15th Ave., Suite 102
17 Phoenix, Arizona 85007-2624

18 **COPY** sent same date via electronic mail to:

19 Tranisha K. Robinette
20 ADMIN@ASAPBOND.COM
21 Respondent

22 Deian Ousounov
23 Assistant Attorney General
24 AdminLaw@azag.gov
25 Attorney for the Department of Insurance

26 
Francine Martinez

JAN 31 2019

IN THE OFFICE OF ADMINISTRATIVE HEARINGS

DEPT. OF INSURANCE

BY: mek

In the Matters of:

No. 18A-078-INS

ASAP BAIL BONDS LLC,
(National Producer Number 17738494)
(Legacy License ID 1126048),

ADMINISTRATIVE LAW JUDGE
DECISION

and

ROBINETTE, TRANISHA KAY
(National Producer Number 17389043)
(Legacy License ID 1091011),
Respondents.

HEARING: January 8, 2019, record open until January 11, 2019.

APPEARANCES: Assistant Attorney General Deian Ousounov represented the Arizona Department of Insurance ("Department"). Tranisha Kay Robinette appeared, representing Respondents.

ADMINISTRATIVE LAW JUDGE: Kay Abramsohn

FINDINGS OF FACT

1. Respondent ASAP Bail Bonds LLC ("ASAP") was licensed in October 2015; the ASAP license is set to expire on October 31, 2019.

2. Tranisha Kay Robinette ("Ms. Robinette") was licensed as a bail bond agent in October 2014; her license expired on December 31, 2017. Ms. Robinette was the sole manager/member of ASAP and was the Designated Responsible Licensed Producer of ASAP.

3. The Department received a Request for Assistance ("RFA") on October 12, 2017 from Martin Perez alleging that ASAP and Ms. Robinette had failed to post a \$100,000.00 surety bond in a particular criminal case, and subsequently failed to provide a full refund of the \$10,000.00 premium he had paid.¹

¹ A different bail bond agent posted a \$100,000.00 bond for Mr. Perez on September 29, 2017.

1 4. On inquiry from the Department, Ms. Robinette explained that she had been
2 informed by her insurance agent that there was a second mortgage on Mr. Perez' home
3 and that his property, therefore, did not meet the equity requirements for the bond
4 which resulted in Ms. Robinette not completing bond services.

5 5. The Department was unable to locate any evidence of a second mortgage or
6 a line of credit on the Perez property.²

7 6. While Ms. Robinette returned \$5,000.00 to Mr. Perez in November 2017, she
8 failed to return the entire premium amount Perez had paid to her. The surety company
9 with whom Ms. Robinette was associated, Sun Surety, paid \$5,000.00 to Mr. Perez on
10 March 13, 2018.

11 7. The Department received a RFA on January 12, 2018 from Tami Doherty
12 alleging that ASAP and Ms. Robinette had failed to release a \$900.00 cash bond
13 following a December 15, 2017 Maricopa County Superior Court Order in a particular
14 criminal case despite numerous communications to Ms. Robinette.

15 8. Sun Surety paid \$900.00 to Ms. Doherty on January 17, 2018.

16 9. The Department received a RFA on January 12, 2018 from Jong W. Lee
17 alleging that ASAP and Ms. Robinette had failed to release both a \$3,500.00 cash bond
18 and the title to a vehicle that had been used to secure a bond in 2017 regarding three
19 particular criminal matters. In November 2017, the Maricopa County Superior Court
20 had ordered that all three bonds be exonerated and released.

21 10. On inquiry from the Department, Ms. Robinette explained that there had
22 been fees in the amount of \$400.00 on the bonding, leaving a collateral amount of only
23 \$3,100.00 and that she had tried to discuss the matter with "Mr. Woo."³

24 11. On behalf of ASAP, on October 1, 2017, an attorney had attended one court
25 session regarding these matters. On October 5, 2017, the court had ordered the
26 scheduled October 10, 2017 bond forfeiture hearing be vacated. There is no evidence
27

28 _____
29 ² At hearing, the Department's witness indicated that they found Mr. Perez had refinanced in 2016, that
30 the first mortgage had been paid off at the time he obtained the refinancing, and that there was no
second mortgage.

³ Exhibit 19 shows a client form for "Lee Woo" and a \$400.00 fee and a \$50.00 fee amount.

1 that an attorney on behalf of ASAP had attended any court session other than the first
2 court session regarding these matters.

3 12. Sun Surety notified the Department by letter dated February 28, 2018 that it
4 was canceling the surety bonds of ASAP and of Ms. Robinette.

5 13. Sun Surety refunded \$2,400.00 to Mr. Lee Woo on March 13, 2018.

6 14. In June 2018, the Department was able to confirm, through an attorney for
7 Lee Woo, that the lien on the family vehicle had been removed.

8 15. Based on the receipt of the three complaints, the Department issued a
9 Subpoena Duces Tecum to Ms. Robinette for the ASAP bail bond log for the period of
10 December 31, 2017 through January 23, 2018.⁴ Ms. Robinette failed to comply with
11 the subpoena by surrendering the log to the Department.

12 16. The matter was not resolved informally and on December 27, 2018, the
13 Department issued its Notice of Hearing with regard to the matter.

14 17. Ms. Robinette's answer essentially admitted the complaints, but indicated
15 that she did not have sufficient information to admit or deny some of the factual
16 allegations. Ms. Robinette indicated that she had not received the subpoena in time to
17 respond with the log and that, once she did receive the subpoena, she had submitted
18 the log to Sun Surety on February 18, 2018 and "worked exclusively with Sun Surety to
19 submit the required documentation to the Department..." At hearing, Ms. Robinette
20 indicated that she believed that she was being compliant because the general insurer,
21 Sun Surety, was working with the Department to take care of things.

22 18. At hearing, Ms. Robinette indicated that she had kept separate accounts for
23 the collateral and the premiums; however, at the time when she was required to return
24 the \$10,000.00, she "only had \$5,000.00" of the \$10,000.00 and she had spent
25 \$5,000.00 on "other company things." At hearing, she testified that she knew such
26 collateral was not able to be used until the fees are charged. Ms. Robinette attributed
27 miscommunication between she and Sun Surety regarding the alleged second
28 mortgage and Mr. Perez, therefore, not meeting the equity requirements.

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30 ⁴ As Ms. Robinette's license had expired on December 31, 2017, the Department wanted to be assured
that she was not still offering bond services with an expired license.

1 19. Ms. Robinette indicated that it was her understanding that collateral monies
2 needed to be returned "within seven to thirty days," that being the "general consensus
3 of the industry."

4 20. Ms. Robinette stated that, in the Lee Woo matter, the attorney for ASAP had
5 attended two court sessions, recalling that she kept track of such through a regular
6 practice of the attorney texting to her when he was in court for an appearance.

7 21. The hearing record was held open until January 11, 2019 for Ms. Robinette
8 to search for such a text message and provide it to the Tribunal; however, the Tribunal
9 did not receive any such information from Ms. Robinette.

10 22. With regard to the entire matter, Ms. Robinette indicated that this was her
11 first business, that she had been overwhelmed and that she had, since, worked to
12 resolve the issues which she wants to continue to work to resolve any outstanding
13 matters. Ms. Robinette requested that she not be "revoked" but be given a permanent
14 suspension.

15 23. The Department requested that the ASAP and Robinette licenses be
16 revoked to protect the public interest regarding proper conducting of bail bond services.
17 The Department argued that Ms. Robinette had improperly retained collateral beyond
18 the time it should have been returned to the customers and that she had failed to
19 communicate or respond with the Department, showing that she cannot be regulated.

20 **CONCLUSIONS OF LAW**

21 1. This matter lies within the Department's jurisdiction.⁵

22 2. The Department bears the burden of proof to establish cause to discipline
23 Respondent's bail bond agent's license by a preponderance of the evidence.⁶

24 3. "A preponderance of the evidence is such proof as convinces the trier of fact
25 that the contention is more probably true than not."⁷

26 4. The Department established that ASAP's and Ms. Robinette's conduct, as
27 described above, constituted improperly withholding, misappropriating, or converting

28 ⁵ See A.R.S. § 20-340 *et seq.*

29 ⁶ See A.R.S. § 41-1092.07(G)(2); A.A.C. R2-19-119(A) and A.A.C. R2-19-119(B)(1); *see also Vazanno v.*
Superior Court, 74 Ariz. 369, 372, 249 P.2d 837 (1952).

30 ⁷ MORRIS K. UDALL, ARIZONA LAW OF EVIDENCE § 5 (1960).

1 monies received in the course of insurance business, within the meaning of A.R.S. §
2 20-295(A)(4) as applied to bail bond agents under A.R.S. § 20-340.06.

3 5. The Department established that ASAP's and Ms. Robinette's conduct, as
4 described above, constituted using fraudulent, coercive or dishonest practices, or
5 demonstrating incompetence, untrustworthiness or financial irresponsibility in the
6 conduct of insurance business in the state or elsewhere, within the meaning of A.R.S. §
7 20-295(A)(8) as applied to bail bond agents under A.R.S. § 20-340.06.

8 6. The Department established that ASAP's and Ms. Robinette's conduct, as
9 described above, constituted failing to return to the person who deposited it with the
10 bail bond agent, as soon as the obligation, the satisfaction of which was secured by the
11 collateral, is discharged, within the meaning of Arizona Administrative Code R20-6-
12 601(E)(4)(b).

13 7. The Department established that ASAP's and Ms. Robinette's conduct, as
14 described above, constituted violations of the applicable statutes and rules, within the
15 meaning of A.R.S. § 20-295(A)(2) as applied to bail bond agents pursuant to A.R.S. §
16 20-340.06.

17 8. The conduct of ASAP and Ms. Robinette Respondent's conduct, as
18 described above, provides grounds for the Director of the Department, or any Interim
19 Director, to suspend or revoke the ASAP license and Ms. Robinette's bail bond agent
20 license, or refuse to renew, impose a civil penalty and/or order restitution, pursuant to
21 A.R.S. § 20-295(A)(2), (B), and (F) as applied to bail bond agents pursuant to A.R.S. §
22 20-340.06.

23 **RECOMMENDED ORDER**

24 Based on the foregoing, it is recommended that the Director, or Interim Director,
25 revoke the ASAP's Arizona License ID 1126048 and revoke Tranisha K. Robinette's
26 Arizona License ID 1091011.

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*
29 *five days from the date of that certification.*

30 Done this day, January 30, 2019.

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/s/ Kay Abramsohn
Administrative Law Judge

Transmitted electronically to:
Keith A. Schraad, Interim Director
Arizona Department of Insurance