

Apr 29 2019

DEPT OF INSURANCE
BY MEK

STATE OF ARIZONA
DEPARTMENT OF INSURANCE

In the Matter of:

No. 19A- 069 -INS

FOSTER, JON STEPHEN
(National Producer Number 4565929)

CONSENT ORDER

Respondent.

The State of Arizona Department of Insurance ("Department") has received evidence that **Jon Stephen Foster** ("Foster" or "Respondent") violated provisions of Title 20, Arizona Revised Statutes ("A.R.S."). Respondent wishes to resolve this matter without the commencement of formal proceedings, and admits the following Findings of Fact are true and consents to entry of the following Conclusions of Law and Order.

FINDINGS OF FACT

1. Foster was, at all material times, licensed as an Arizona bail bond agent. The Department issued Foster a license, number 4565929 on December 15, 2017. The license is scheduled to expire on September 30, 2021.

2. Foster's addresses of record are: Bert's Bail Bonds, 1825 Hancock Road, Bullhead City, Arizona 86422 (business), 4378 South Cindy Road, Fort Mohave, Arizona 86426, (mailing), and jonnybailbonds@gmail.com (business email).

Greco-Welch Complaint

3. On or about February 15, 2019, Joy Greco-Welch ("Welch") submitted a "Request for Assistance" seeking the Department's help in obtaining a refund of monies posted for bond.

1 4. On or about December 7, 2018, authorities placed Welch's son, Jason Robert
2 Greco ("Greco"), into custody in the Mohave County Jail for a probation violation. At his Initial
3 Appearance on that same date, the Mohave County Superior Court ("Court") ordered "setting
4 a Secured Appearance Bond in the total amount of \$2,500.00."

5 5. On or about December 7, 2018, Welch called Bert's Bail Bonds and negotiated
6 with Foster for the payment of the \$2,500.00 bond via three (3) credit cards. Welch transmitted
7 her credit card information via email to complete the transaction. Subsequent to the
8 transaction, Foster failed to send any documents related to the transaction of the bond to
9 Welch.

10 6. Bert's Bail Bonds is a tradename or DBA for bail bond agent Robert Gerald
11 Lambert ("Lambert"). Lambert employs or contracts with Foster, the principal agent who
12 transacted the Greco bond.

13 7. On or about February 5, 2019, the Court reinstated Greco's term of probation and
14 exonerated the bond.

15 8. On or about February 13, 2019, Lambert sent a letter and check, number 3382,
16 to Welch for \$1,800.00. The letter failed to explain why Bert's Bail Bonds retained \$700.00 of
17 the total bond amount of \$2,500.00.

18 9. On or about February 26, 2019, the Department instructed Foster to provide the
19 Department with a narrative statement and "a copy of Greco's complete bond file, including any
20 and all bond-related transaction documents executed by Indemnitor Welch, Bert's bail bond fee
21 schedule, and any correspondence (emails, text messages, etc.) between the parties related
22 to this matter" on or before March 13, 2019.

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1 10. On March 13, 2019, Foster submitted his response to the Department. In his
2 narrative statement, Foster explained that the \$700.00 retained by Bert's Bail Bonds
3 represented the following expenses: \$250.00 or ten percent (10%) of the total bond for payment
4 of premium and \$450.00 for expenses Foster incurred traveling to and from Las Vegas to post
5 the bond, a fee he described as a "special circumstance." According to Foster, Welch agreed
6 to the \$450.00 fee.

7 11. In his narrative statement, Foster also advised that "copies [of the bail bond
8 documents] were provided timely." Foster provided a copy of a December 10, 2018 email he
9 sent to Welch. In reviewing Foster's email to Welch, the Department noted that Foster sent the
10 email with its attached bond documents to an incorrect email address and therefore Welch
11 never received them.

12 12. Bert's Bail Bonds' fees are outlined in the "Indemnitor/Guarantor Conditions of
13 Release" which Welch did not receive. In the twelve (12) conditions set forth in the document,
14 there is no reference to travel-related expenses.

15 13. Foster provided an additional fee schedule in response to the Department's initial
16 request for records but he acknowledged that this supplemental fee schedule was drafted in
17 response to the underlying complaint and had yet to be implemented. The supplemental fee
18 schedule lists the following fees: posting bonds after regular business hours (\$50.00), making
19 house calls to complete the bond paperwork (\$50.00), and transporting defendants to their
20 destination upon release from custody (\$50.00 per hour). When using the supplemental fee
21 schedule, Foster's travel expenses would not total \$450.00 but rather \$275.00: \$50.00 for
22 posting Greco's bond after regular business hours, and \$225.00 for the 4.5 hours roundtrip from
23 Las Vegas to Bullhead City (office location) to the Mohave County Jail.

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1 of two thousand five hundred dollars, or impose a civil penalty of not more than two thousand
2 five hundred dollars for each intentional failure or violation, up to an aggregate civil penalty of
3 fifteen thousand dollars, within the meaning of A.R.S. § 20-295(F).

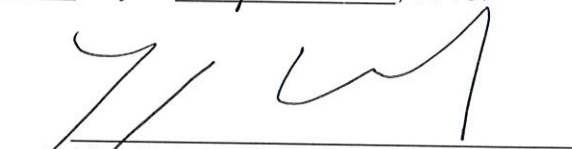
4 **ORDER**

5 IT IS HEREBY ORDERED THAT:

6 1. Respondent shall immediately pay restitution by certified or cashier's check in the
7 amount of Four Hundred Fifty Dollars (\$450.00) to Joy Greco-Welch.

8 2. Respondent shall immediately pay a civil penalty by certified or cashier's check in
9 the amount of Two Hundred Fifty Dollars (\$250.00) for deposit into the State General Fund.

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11 DATED AND EFFECTIVE this 29th day of April, 2019.

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14 KEITH A. SCHRAAD
Director of Insurance

15 **CONSENT TO ORDER**

16 1. Respondent has reviewed the foregoing Findings of Fact, Conclusions of Law and
17 Order.

18 2. Respondent admits the jurisdiction of the Director of Insurance, State of Arizona,
19 and admits the foregoing Findings of Fact and consents to the entry of the foregoing
20 Conclusions of Law and Order.

21 3. Respondent is aware of his right to notice and to a hearing, at which he may be
22 represented by counsel, present evidence and examine witnesses. Respondent irrevocably
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1 waives his right to such notice and hearing and to any court appeals relating to this Consent
2 Order.

3 4. Respondent states that no promise of any kind or nature whatsoever, except as
4 expressly contained in this Consent Order, was made to him to induce him to enter into this
5 Consent Order and that he has entered into this Consent Order voluntarily.

6 5. Respondent acknowledges that the acceptance of this Consent Order by the
7 Director is solely to settle this matter against him and does not preclude any other agency,
8 officer, or subdivision of this state including the Department from instituting civil or criminal
9 proceedings as may be appropriate now or in the future.

10 6. Respondent acknowledges that this Consent Order is an administrative action
11 that the Department will report to the National Association of Insurance Commissioners (NAIC)
12 and that he may have to report this administrative action on any future licensing applications
13 either to the Department or other states' Departments of Insurance.

14
15 4/18/19

Date



Jon Stephen Foster (NPN License No. 4565929)

17 **COPY** of the foregoing mailed this
18 30th day of April, 2019, to:

19 Jon Stephen Foster
20 C/O Bert's Bail Bonds
21 1825 Hancock Road
22 Bullhead City, AZ 86442
23 Respondent

24 John Stephen Foster
4378 S. Cindy Road
Fort Mohave, AZ 86426
Respondent

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

2 Mary Kosinski, Regulatory Legal Affairs Officer
3 Catherine M. O'Neil, Consumer Legal Affairs Officer
4 Steven Fromholtz, Assistant Director, Consumer Protection Division
5 Sharyn Kerr, Administrative Assistant, Consumer Protection Division
6 Wendy Greenwood, Investigator / Investigations Supervisor
7 Arizona Department of Insurance
8 100 North 15th Avenue, Ste.102
9 Phoenix, Arizona 85007-2624

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

11 Jon Stephen Foster
12 jonnybailbonds@gmail.com
13 Respondent

14 *Francine Martinez*
15 Francine Martinez