

STATE OF INDIANA)
)SS:
)
COUNTY OF MARION)

BEFORE THE INDIANA
COMMISSIONER OF INSURANCE
CAUSE NUMBER: 10806-BB12-0127-002

IN THE MATTER OF:)

James A. Penn III,
Respondent / Bail Agent.)

114 N. Delaware Street
Indianapolis, IN 46204)

Type of Agency Action: Bail Agent Enforcement
Indiana Bail Agent License No.: 5278

FILED

FEB 10 2012

STATE OF INDIANA
DEPT. OF INSURANCE

FINAL ORDER AND APPROVAL

The Indiana Department of Insurance Bail Bond Division ("Division"), by its counsel, Robert L. Hummel, and Gregory Bowes, attorney for James A. Penn III ("Respondent"), a licensed bail agent, signed an Agreed Entry which purports to resolve all issues involved in an investigation by the Division and which has been submitted to the Commissioner of Insurance ("Commissioner") for approval.

The Commissioner, after reviewing the Agreed Entry, finds it has been entered into fairly and without fraud, duress, or undue influence, and is fair and equitable between the parties. The Commissioner hereby incorporates the Agreed Entry as if fully set forth herein, and approves and adopts in full the Agreed Entry as a resolution of this matter.

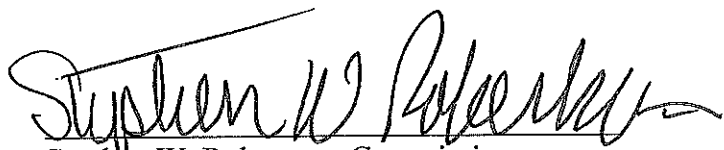
IT IS THEREFORE ORDERED by the Commissioner of Insurance:

1. Respondent shall pay restitution to Kelly Williams in the amount of two thousand three hundred and forty-two dollars and twenty-seven cents (\$2,342.27) by personal check or money order made payable to Ms. Williams

and submitted to the attention of Investigator Mike Herndon, Indiana Department of Insurance, within thirty (30) days after the date of this Final Order.

2. Respondent shall pay a civil penalty in the amount of three thousand five hundred dollars (\$3,500.00) payable by personal check or money order to the Division within six (6) months after the date of this Final Order.
3. Respondent's bail agent license is subject to a probationary period of six (6) months, beginning on the date of this Final Order.
4. ~~Respondent shall submit a letter to Attorney Hummel stating what Respondent did wrong in this case and explaining what procedure he should have followed. The letter will be used as an instructional resource for other bail and recovery agents in Indiana including posting on the Department's website. The letter is subject to approval by the Commissioner. Respondent agrees to submit the final draft of the letter to Attorney Hummel within thirty (30) days after the date of this Final Order.~~
5. Respondent waives his right to petition for judicial review of this Final Order.

ALL OF WHICH IS ORDERED this 10th day of February, 2012.


Stephen W. Robertson, Commissioner
Indiana Department of Insurance

Distribution:

Gregory Bowes, Esq.
Bowes & Associates
6311 E. Westfield Blvd., Suite 205
Indianapolis, IN 46220

Robert L. Hummel, Attorney
Indiana Department of Insurance
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Indianapolis, IN 46204

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STATE OF INDIANA
DEPT. OF INSURANCE

AGREED ENTRY

This Agreed Entry is executed by Robert L. Hummel, attorney for the Indiana Department of Insurance Bail Bond Division ("Division"), and Gregory Bowes, attorney for James A. Penn III ("Respondent"), a licensed Indiana bail bond agent, to resolve all issues concerning an investigation by the Division. This Agreed Entry is subject to the review and approval of Stephen W. Robertson, Commissioner, Indiana Department of Insurance.

WHEREAS, Respondent is a licensed bail bond agent, license number 5278; and

WHEREAS, on November 14, 2011, the Division received a complaint from Kelly Williams alleging that while in the course of recovering the fugitive Riley Gilliland, Respondent entered Ms. Williams' house in Indianapolis and took two thousand four hundred dollars (\$2,400.00) belonging to Ms. Williams from the nightstand in her bedroom and that Respondent informed Ms. Williams' sister, Ashley, that the money was being forfeited as a recovery fee. In her complaint, Ms. Williams stated that she filed a criminal theft report with an officer Brown concerning the incident; and

WHEREAS, based on information provided by Respondent, including a copy of a receipt, the amount of money taken from the Williams residence was two thousand three hundred and forty-two dollars and twenty-seven cents (\$2,342.27); and

WHEREAS, Attorney Hummel and Investigator Herndon met with Respondent on January 17, 2012 to discuss the issues and met again with Respondent and his attorney, Gregory Bowes, on January 20, 2012 for the purpose of negotiating a settlement of the issues that have arisen; and

WHEREAS, Attorney Hummel and Attorney Bowes continued negotiations by telephone on January 25, 2012; and

WHEREAS, the Division and Respondent desire to resolve their differences and settle the issues without a hearing;

IT IS THEREFORE, NOW AGREED by and between the parties as follows:

1. The Commissioner has jurisdiction over the subject matter and the Respondent in this investigation commenced on or about November 14, 2011.
2. This Agreed Entry is executed voluntarily by the parties.
3. Respondent voluntarily and freely waives his right to a public hearing on the issues in this investigation.
4. While admitting no wrongdoing, Respondent does admit that he should have submitted an itemized bill for his recovery expenses to Samantha J. Reagan, the indemnitor on Mr. Gilliland's bail bond, instead of taking the money from the Williams residence.
5. Respondent agrees to payment of restitution to Kelly Williams in the amount of two thousand three hundred and forty-two dollars and twenty-

seven cents (\$2,342.27) by personal check or money order made payable to Ms. Williams and submitted to the attention of Investigator Mike Herndon, Indiana Department of Insurance, within thirty (30) days after the date of the Commissioner's Final Order.

6. Respondent agrees to payment of a civil penalty in the amount of three thousand five hundred dollars (\$3,500.00) payable by personal check or money order to the Division within six (6) months after the date of the Commissioner's Final Order.
7. Respondent agrees to a probationary period of six (6) months, beginning on the date of the Commissioner's Final Order.
8. Respondent agrees to submit a letter to Attorney Hummel stating what Respondent did wrong in this case and explaining what procedure he should have followed. The letter will be used as an instructional resource for other bail and recovery agents in Indiana including posting on the Department's website. The letter is subject to approval by the Commissioner. Respondent agrees to submit the final draft of the letter to Attorney Hummel within thirty (30) days after the date of the Commissioner's Final Order.
9. The Department agrees to accept Respondent's compliance with the terms of this agreement as full resolution of the issues arising from the investigation commenced on or about November 14, 2011.
10. Respondent voluntarily and freely waives his right to petition for judicial review of this agreement and the Commissioner's Final Order.

11. Respondent is aware that his failure to comply with any of the terms of this agreement, including any violation of Indiana bail law during the probationary period, will result in the matter being set for hearing and may result in the permanent revocation of his bail agent license and/or additional civil penalties.
12. Should this Agreed Entry not be accepted by the Commissioner, it is agreed that presentation to and consideration of this Agreed Entry by the Commissioner shall not unfairly or illegally prejudice the Commissioner from further participation in or resolution of these proceedings.
13. Respondent has carefully read this agreement and fully understands and accepts its terms.

11 JAN 2012
Date Signed

James A. Penn III
James A. Penn III, Respondent

31 Jan 2012
Date Signed

Gregory Bowes
Gregory Bowes,
Attorney for Respondent

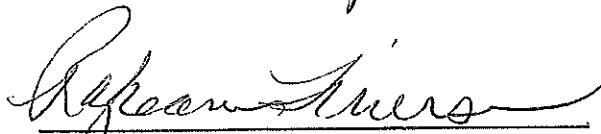
1-27-12
Date Signed

Robert L. Hummel
Robert L. Hummel,
Attorney, Indiana Department of Insurance

STATE OF INDIANA)
) SS:
COUNTY OF MARION)

Before me, a Notary Public for MARION County, State of
Indiana, personally appeared James A. Penn III and being first duly sworn
by me upon his oath, says that the facts alleged in the foregoing instrument
are true.

Signed and sealed this 30th day of February, 2012.


Signature

Rozheana Frierson
Printed

My Commission expires: 4-27-2012

County of Residence: MARION