



1           3.       The Department's Insurance License Application for  
2 Individuals, Section C, includes the following questions: "1.  
3 Have you every been convicted of a felony?; 2. Have you ever been  
4 convicted of a misdemeanor?; and 3. Have you ever been served a  
5 criminal summons, questioned, arrested, taken into custody,  
6 indicted, charged with, tried for, or ever been the subject of an  
7 investigation concerning the violation of any felony or  
8 misdemeanor, or are any charges now pending against you?".

9           4.       Ms. Ownbey checked the "Yes" response to Questions  
10 C1 and C2 and checked both the "Yes" and "No" response to  
11 question C3 and provided information concerning three separate  
12 incidents, including the disposition of those incidents, when she  
13 submitted her application.

14           5.       On or about January 14, 1991, Ms. Ownbey plead  
15 guilty to the charge of Attempted Uttering of a Forged  
16 Instrument, a felony. The State of Nevada v. Linda Lorena  
17 Ownbey, In the Sixth Judicial District of the State of Nevada,  
18 in and for the County of Humboldt, Case No. 90-3152 ("Case No.  
19 90-3152").

20           6.       Case No. 90-3152 involved Ms. Ownbey's theft of a  
21 check in the amount of approximately \$400 from her employer,  
22 which she cashed as if it were her own. At hearing, Ms. Ownbey  
23 testified that she used the majority of the proceeds of the  
24 stolen check to buy clothing and other items for her son and  
25 foster son, both of whom were attending boarding school. Ms.  
26 Ownbey further admitted that she also used a portion of the  
27 proceeds from the check to purchase spirituous liquor.

1           7.     Before the court entered judgment and sentenced  
2 her in Case No. 90-3152, Ms. Ownbey had already repaid the money  
3 she had obtained wrongfully when she cashed the check she had  
4 taken from her employer.

5           8.     On or about March 26, 1991, a Judgment of  
6 Conviction was entered in Case No. 90-3152, under the terms of  
7 which she was sentenced to two years in the Nevada State Prison.  
8 The court suspended this sentence and instead placed Ms. Ownbey  
9 on two years probation with conditions including that she drink  
10 no alcoholic beverages and submit to a mental health evaluation  
11 and any recommended treatment. The court also ordered  
12 restitution and found that Ms. Ownbey had already been made  
13 restitution.

14           9.     On or about March 25, 1993, a Nevada court entered  
15 an Order honorably discharging Ms. Ownbey from her probation. On  
16 or about February 11, 1994 a Nevada court entered a separate  
17 Order restoring Ms. Ownbey's civil rights.

18           10.    On or about March 15, 1980, Linda Lorena Haflich  
19 plead guilty to the crime of Obstructing a Public Officer, a  
20 misdemeanor. The State of Nevada v. Linda Lorena Haflich, In  
21 the Sixth Judicial District Court, of the State of Nevada, in and  
22 for the County of Humboldt, Case No. 2201 ("Case No. 2201"). The  
23 defendant named Case No. 2201, Linda Lorena Haflich, is Linda  
24 Lorena Ownbey.

25           11.    On or about March 17, 1980, a Judgment of  
26 Conviction was entered in Case No. 2201 against Ms. Ownbey, and a  
27 \$50.00 fine was imposed against her.

1           12.       On or about February 7, 1979, Linda Haflich plead  
2 guilty to the crime of Gross Misdemeanor - Conspiracy to pass an  
3 insufficient funds check. The State of Nevada v. Linda  
4 Haflich, In the Sixth Judicial District Court, of the State of  
5 Nevada, in and for the County of Humboldt, Case No. 2080 ("Case  
6 No. 2080"). The defendant named in Case No. 2080, Linda Haflich,  
7 is Linda Lorena Ownbey.

8           13.       Ms. Ownbey testified that the check at issue in  
9 Case No. 2080 had been written on an account which she knew she  
10 had closed. Ms. Ownbey further testified that she had given the  
11 check, written in the approximate amount of \$25 to \$35, to a  
12 grocery store to purchase food for her family.

13           14.       On or about March 30, 1979, the court in Case No.  
14 2080 entered a Judgment of Conviction against Ms. Ownbey. The  
15 court sentenced Ms. Ownbey to 18-24 months probation during  
16 which, she: could not open any type of checking account with any  
17 bank; and agreed to submit to any search, with or without a  
18 warrant, of her person, residence or vehicle.

19           15.       Ms. Ownbey has worked for Liberty Bail Bonds  
20 ("Liberty") since July, 1993, where she has performed secretarial  
21 and clerical duties. At Liberty, Ms. Ownbey has worked under the  
22 direction of Yancey Daniel Sexton, a part-owner of the business,  
23 and Ulah Marie Witherspoon, an employee of Liberty. Both Mr.  
24 Sexton and Ms. Witherspoon testified in support of Ms. Ownbey's  
25 application.

26           16.       Ms. Witherspoon testified that the underwriter of  
27 the bail bonds written by Liberty, Amwest Surety Insurance  
28 Company ("Amwest"), requires employees of Liberty who hold

1 insurance licenses to be bonded. Ms. Witherspoon further  
2 testified that before Amwest issued a bond covering Ms. Ownbey's  
3 acts as a licensed employee of Liberty, Liberty informed Amwest  
4 of Ms. Ownbey's arrest and conviction history relating to Case  
5 No. 90-3152, Case No. 2201, and Case No. 2080. After receiving  
6 this information regarding Ms. Ownbey's arrest and conviction  
7 history, Amwest issued a bond covering Ms. Ownbey's actions as a  
8 licensed employee of Liberty. See Hearing Exhibits L, M.

9           17. Ms. Ownbey has demonstrated remorse for her  
10 offenses. She has repaid the debts or obligations which she has  
11 incurred or which have been levied against her for her offenses.  
12 She has taken steps to rectify the damages caused by her acts.  
13 She has made full disclosure of her offenses, and has made the  
14 Department, her employer, and her employer's underwriter fully  
15 aware of her background. Further, her employer supports the  
16 application. Significant attention has been given by the  
17 Department to the steps taken by Ms. Ownbey to ameliorate the  
18 consequences of her actions. Having taken these steps, Ms.  
19 Ownbey has resolved in her favor questions which might otherwise  
20 exist regarding her honesty, integrity, or personal values.

#### 21 CONCLUSIONS OF LAW

22           1. A record has not been established that Ms. Ownbey  
23 has a record of dishonesty in business and financial matters  
24 within the meaning of A.R.S. §20-290(B)(2).

25           2. Ms. Ownbey has been convicted by final judgment of  
26 a felony involving moral turpitude within the meaning of A.R.S.  
27 §20-290(B)(2), but this conviction shall not serve as a bar to  
28

1 the issuance of the bail bond agent's license sought by Ms.  
2 Ownbey.

3 ORDER

4 IT IS ORDERED granting the Insurance License  
5 Application for Individuals for a bail bond agent's license  
6 submitted by Linda Lorena Ownbey.

7 IT IS FURTHER ORDERED that a copy of this Order shall  
8 be delivered to Amwest Surety Insurance Company.

9 EFFECTIVE this 28th day of July, 1994.

10  
11 

12 CHRIS HERSTAM  
13 Director of Insurance

14 

15 GREGORY Y. HARRIS  
16 Chief Administrative Law Judge

17 COPY of the foregoing mailed/delivered  
18 this 28th day of July, 1994, to:

19 Gay Ann Williams, Deputy Director  
20 Charles R. Cohen, Executive Assistant Director  
21 Jay Rubin, Manager, Investigations Unit  
22 Maureen Catalioto, Supervisor  
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Chris Crawford