

115092

RECEIVED IN AGENT SERVICES
A.S. - N.C.D.O.I.

SEP 11 2018

CHECK NO. [REDACTED]

CHECK AMT. 2,500.00

PROCESSOR

NORTH CAROLINA DEPARTMENT OF INSURANCE
RALEIGH, NORTH CAROLINA

PROCESSOR

[REDACTED]

A.S. - N.C.D.O.I.

RECEIVED IN AGENT SERVICES

STATE OF NORTH CAROLINA
COUNTY OF WAKE

BEFORE THE COMMISSIONER
OF INSURANCE

IN THE MATTER OF THE
LICENSURE OF
WILLIAM J. BARKER
LICENSE NO. 0018042019

VOLUNTARY SETTLEMENT
AGREEMENT

NOW COME, William J. Barker (hereinafter "Mr. Barker") and the North Carolina Department of Insurance (hereinafter "Department"), and hereby voluntarily and knowingly enter into the following Voluntary Settlement Agreement (hereinafter "this Agreement"):

WHEREAS, the Department has the authority and responsibility for enforcement of the insurance laws of this State, and for regulating and licensing bail bondsmen; and

WHEREAS, Mr. Barker applied for licensure as a surety bail bondsman by the Department on May 27, 2016; and

WHEREAS, pursuant to N.C. Gen. Stat. § 58-71-80(a)(7), the Commissioner may deny, suspend, revoke, or refuse to renew any license under Article 71 of Chapter 58 of the North Carolina General Statutes for failure to comply with or violation of the provisions of Article 71 of Chapter 58 of the N.C. General Statutes or of any order, rule or regulation of the Commissioner; and

WHEREAS, pursuant to N.C. Gen. Stat. § 58-71-80(a)(3), the Commissioner may deny, suspend, revoke, or refuse to renew any license under Article 71 of Chapter 58 of the North Carolina General Statutes for material misstatement, misrepresentation or fraud in obtaining the license; and

WHEREAS, Mr. Barker, on his license application answered "No" to Question 3 thereon; "Have you ever been convicted, or are you currently charged with, committing a crime, whether or not adjudication was withheld?"; and

WHEREAS, it was discovered in the Department's 2018 audit of Mr. Barker's file that prior to his application for license, he had convictions in the following North Carolina counties: Mecklenburg -97CRS 152267-DWI; Iredell 04CR 51487, 51488, 51489 and 51490-Misrep to obtain ESC benefit; Iredell 03CR 59824-Assault on a Female; and Iredell 05CR 10519-DVPO-vio (M); and

WHEREAS; pursuant to N.C. Gen. Stat. § 58-2-69(c) provides that if a licensee is convicted in any court of competent jurisdiction for any crime or offense other than a motor vehicle infraction, the licensee shall notify the Commissioner in writing of the conviction within 10 days after the date of the conviction, which includes an adjudication of guilt, a plea of guilty, or a plea of *nolo contendere*; and

WHEREAS, court records indicate that Mr. Barker was convicted of Assault on a Female (16CR 235844) on August 16, 2017 in Mecklenburg County NC and failed to notify the Commissioner in writing of the conviction within 10 days after the date of the conviction, a violation of N.C. Gen. Stat. § 58-2-69(c); and

WHEREAS, Mr. Barker's violations of N.C. Gen. Stat. § § 58-71-80 (a) (3) and 58-2-69 (c) demonstrate a failure to comply with and/or violations of the provisions of Article 71 of Chapter 58 of the North Carolina General Statutes for which Mr. Barker's surety bail bondsman's license could be suspended or revoked; and

WHEREAS, in lieu of an administrative hearing on the matters stated herein, Mr. Barker has agreed to settle, compromise, and resolve the matters referenced in this Agreement, and the Department has agreed not to pursue additional penalties, sanctions, remedies, or restitution based on these matters against Mr. Barker; and

WHEREAS, pursuant to N.C. Gen. Stat. § 58-2-70(g), the Commissioner of Insurance and the Department have the express authority to negotiate a mutually acceptable agreement with any person as to the status of the person's license or certificate or as to any civil penalty or restitution; and

NOW, THEREFORE, in consideration of the promises and agreements set out herein, the Department and Mr. Barker hereby agree to the following:

1. Immediately upon his signing of this document, Mr. Barker shall pay a **civil penalty of \$2,500.00** to the Department. The form of payment shall be in the form of a certified check, cashier's check or money order. The check or money order for the payment of this civil penalty shall be payable to the "North Carolina Department of Insurance." Mr. Barker shall send the civil penalty by certified mail, return receipt requested, to the Department simultaneously with the return of this Agreement, signed by Mr. Barker. The civil penalty and the signed Agreement must be received by the Department no later than **September 3, 2019**. The civil penalty shall be subject to disbursement in accordance with the provisions of Article IX, Section 7 of the North Carolina Constitution for the benefit of the public schools.
2. Mr. Barker shall obey all laws and regulations applicable to all licenses issued to him.
3. Mr. Barker enters into this Agreement freely and voluntarily and with knowledge of his right to have an administrative hearing on this matter. Mr. Barker understands that he may consult with an attorney prior to entering into this Agreement.
4. This Agreement does not in any way affect the Department's disciplinary power in any future follow-up examinations of Mr. Barker, or in any other cases or complaints involving Mr. Barker.
5. The parties to this Agreement agree that this Agreement shall have the full force and effect of an Order of the Commissioner. Mr. Barker understands that N. C. Gen. Stat. § 58-71-80(a)(7) provides that a surety bail bondsman's license may be revoked for violating an Order of the Commissioner.
6. This Voluntary Settlement Agreement, when finalized, will be a public record and is not confidential. All licenses issued by the Department to the licensee shall reflect that Regulatory Action has been taken against the licensee following the execution of this Agreement.
The Department is free to disclose the contents of this Agreement to third parties upon request or pursuant to any law or policy providing for such disclosure. The Department routinely provides copies of voluntary settlement agreements to all companies that have appointed the licensee.
7. This Settlement Agreement shall become effective when signed by Mr. Barker and the

N.C. Department of Insurance



By: William J. Barker

License No. 0018042019



By: Marty Sumner

Deputy Commissioner

Date: 8/31/19

Date: 9/11/19