

**NORTH CAROLINA DEPARTMENT OF INSURANCE
RALEIGH, NORTH CAROLINA**

**STATE OF NORTH CAROLINA
COUNTY OF WAKE**

**IN THE MATTER OF THE
APPLICATION FOR LICENSURE OF
MELISSA BARRETT
NPN 10008177**

**BEFORE THE COMMISSIONER OF INSURANCE
VOLUNTARY SETTLEMENT AGREEMENT**

NOW COME, Melissa Barrett (hereinafter "Ms. Barrett") and the North Carolina Department of Insurance Bail Bond Regulatory Division (hereinafter "BBRD"), and hereby voluntarily and knowingly enter into the following Voluntary Settlement Agreement (hereinafter "this Agreement"):

WHEREAS, Ms. Barrett has agreed to settle, compromise, and resolve the matters referenced in this Agreement on behalf of herself, and BBRD has agreed not to pursue additional civil ramifications; including penalties, sanctions, remedies or restitution based on these matters against Ms. Barrett; and

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, 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, Ms. Barrett was previously licensed as a surety bondsman from on or about March 7, 2000 to June 30, 2020 (NPN 10008177), when her license lapsed; and

WHEREAS, on or about February 19, 2021, Ms. Barrett submitted an application for a surety bail bonds license (hereinafter, "Application") to the Department through its third party processing agent, Pearson Vue; and

WHEREAS, on the Application, Ms. Barrett answered "No" to screening question "4" which asked, "Have you ever had administrative action taken against a professional or occupational license or registration, including but not limited to the denial, suspension, or revocation of any license in this State or any other jurisdiction or by any other licensing organization?"; and

WHEREAS, on or about Ms. Barrett received a regulatory action against her North Carolina bail bonds license on or about May 8, 2015 in the form of a Voluntary Settlement Agreement (VSA) and a fine in the amount of \$250.00. This VSA is an administrative action which Ms. Barrett should have disclosed in response to screening question 4 on her Application; and

WHEREAS, Ms. Barrett's answer of "No" to the screening question 4 on her Application regarding prior administrative actions against her occupational or professional licenses is a material misstatement or misrepresentation, and cause for denial of her license under N.C. Gen. Stat. § 58-71-80(a)(3); and

WHEREAS, following receipt of Ms. Barrett's application, BBRD denied the Application for Ms. Barrett's incorrect response to screening question 4 regarding prior administrative actions pursuant to N.C. Gen. Stat. § 58-71-80(a)(3) and

WHEREAS, Ms. Barrett participated in a denial review meeting with BBRD on or about September 30, 2021; and

WHEREAS, although BBRD has cause to deny Ms. Barrett's license pursuant to N.C. Gen. Stat. §§ 58-71-80(a)(3) as set forth above, due to the fact that Ms. Barrett's failure to disclose the prior administrative action appears to be an oversight on her part rather than an intentional misrepresentation, BBRD has agreed to process Ms. Barrett's application upon complete execution of this VSA; and

WHEREAS, Ms. Barrett's violations of the North Carolina General Statutes as set forth above 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 Ms. Barrett's surety bail bondsman's license application could be denied pursuant to N.C. Gen. Stat. § 58-71-80(a)(7); and

WHEREAS, in lieu of an administrative hearing on the matters stated herein, Ms. Barrett 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 Ms. Barrett; 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 Ms. Barrett hereby agree to the following:

1. Immediately upon her signing of this document, Ms. Barrett shall pay a **civil penalty of \$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." Ms. Barrett shall send the civil penalty by certified mail, return receipt requested, to the Department simultaneously with the return of this Agreement, signed by Ms. Barrett. The civil penalty and the signed Agreement must be received by the Department no later than **December 15, 2021**. 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. Ms. Barrett shall obey all laws and regulations applicable to all licenses issued to her.

3. Ms. Barrett enters into this Agreement freely and voluntarily and with knowledge of her

right to have an administrative hearing on this matter. Ms. Barrett understands that she 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 Ms. Barrett, or in any other cases or complaints involving Ms. Barrett.

5. The parties to this Agreement agree that this Agreement shall have the full force and effect of an Order of the Commissioner. Ms. Barrett 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. Ms. Barrett understands that this Agreement, when finalized, shall be considered a regulatory administrative action against her. Ms. Barrett understands that she may be required to disclose this Agreement as a regulatory administrative action on future applications, renewal applications, or other inquiries submitted to the Department or other regulatory inquiries. Ms. Barrett understands that she is solely responsible for accurately answering all questions on future license applications, renewal applications, and in response to inquiries by the Department and other regulating entities.

8. This Settlement Agreement shall become effective when signed by Ms. Barrett and the Department.

9. Once this Settlement Agreement becomes effective, BBRD will reverse its license denial, which will allow Ms. Barrett to take the licensing exam to become a Surety Bail Bondsman in North Carolina. Ms. Barrett understands that she must meet all requirements of licensure, including but not limited to passing the surety bail bonds licensing exam, before a license will be issued to her by the Department.

N.C. Department of Insurance


By: **Melissa Barrett**


By: **Marty Sumner**
Senior Deputy Commissioner

Date: 11/18/2021

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