

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

**STATE OF NORTH CAROLINA
COUNTY OF WAKE**

**BEFORE THE COMMISSIONER
OF INSURANCE**

**IN THE MATTER OF THE LICENSURE
OF ROSE BURNS**

**VOLUNTARY SETTLEMENT
AGREEMENT**

NOW COME, Rose Burns (hereinafter "Ms. Burns") 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 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 North Carolina General Statutes or of any order, rule or regulation of the Commissioner; and

WHEREAS, N.C. Gen. Stat. § 58-71-40 (a) and (b) provide that no person shall act in the capacity of a surety bondsman unless qualified and licensed, and the Commissioner may propound any reasonable interrogatories about the applicant's qualifications and any other matters the Commissioner considers necessary to protect the public and ascertain the qualifications of the applicant and conduct a reasonable inquiry or investigation relative to the determination of the applicant's fitness to be licensed or to continue to be licenses; and

WHEREAS, N.C. Gen. Stat. § 58-71-80(a) (3) provides that the Commissioner may deny, place on probation, suspend, revoke, or refuse to renew a license for a material misstatement, misrepresentation or fraud in obtaining the license; and

WHEREAS, Ms. Burns applied for a surety bail bond license on March 08, 2021; and

WHEREAS, Ms. Burns answered "No" to Question 3a) on the application: "Have you ever been convicted of a crime (Felony, Misdemeanor and Traffic conviction), whether or not adjudication was withheld (including Prayer for Judgment "PJC"); and

WHEREAS, court records were searched, and traffic and criminal convictions were found for Ms. Burns under the name Rose Marie Frady, which Ms. Burns verified as applicable to her, and are set forth herein; and

WHEREAS, on or about August 23, 1994, Ms. Burns was found guilty of one count (Traffic) of Speeding (Henderson County, NC File # 94CR006649); and

WHEREAS, on or about December 19, 2005, Ms. Burns was found guilty of one count of the Misdemeanor, Simple Worthless Check, (Henderson County, NC, File # 05CR 051707); and

WHEREAS, on or about December 19, 2005, Ms. Burns was found guilty of one count of the Misdemeanor, Simple Worthless Check, (Henderson County, NC, File # 05CR 051708) which was consolidated for judgment with File # 05CR 051707; and

WHEREAS, the Department denied Ms. Burns' application on or about March 29, 2021 based on a violation of N.C. Gen. Stat. § 58-71-80(a) (3), and Ms. Burns requested a review on or about April 06, 2021, which was scheduled for April 28, 2021; and

WHEREAS, Ms. Burns agreed on May 07, 2021 to execute a Voluntary Settlement Agreement and pay a fine in the amount of \$500.00 as a condition to being licensed as a surety bail bondsman; and

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

1. Immediately upon her signing of this document, Ms. Burns 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. Burns shall send the civil penalty by certified mail, return receipt requested, to the Department simultaneously with the return of this Agreement, signed by Ms. Burns. The civil penalty and the signed Agreement must be received by the Department no later than **June 21, 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. The Department has reconsidered its denial of Ms. Burns' application for licensure as a surety bail bondsman and will issue Ms. Burns a surety bondsman's license upon receipt of Ms. Burns' execution of this Voluntary Settlement Agreement and return to the Department accompanied with payment of the civil penalty set forth above in the amount of \$500.00; and

3. Ms. Burns shall obey all laws and regulations applicable to all licenses issued to her.
4. Ms. Burns enters into this Agreement freely and voluntarily and with knowledge of her right to have an administrative hearing on this matter. Ms. Burns understands that she may consult with an attorney prior to entering into this Agreement.
5. This Agreement does not in any way affect the Department's disciplinary power in any future follow-up examinations of Ms. Burns, or in any other cases or complaints involving Ms. Burns.
6. The parties to this Agreement agree that this Agreement shall have the full force and effect of an Order of the Commissioner. Ms. Burns understands that N. C. Gen. Stat. § 58-71-80(a)(7) provides that a surety bondsman's license may be revoked for violating an Order of the Commissioner.
7. 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, upon request, routinely provides copies of voluntary settlement agreements to all companies that have appointed the licensee.
8. This Settlement Agreement shall become effective when signed by Ms. Burns and the Department.

N.C. Department of Insurance



By: Rose Burns
Applicant



By: Marty Sumner
Senior Deputy Commissioner

Date:

May 21, 2021

Date:

May 26, 2021