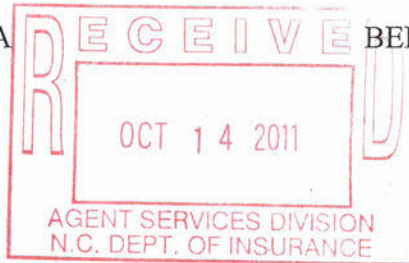


NORTH CAROLINA DEPARTMENT OF INSURANCE  
RALEIGH, NORTH CAROLINA

STATE OF NORTH CAROLINA  
COUNTY OF WAKE

IN THE MATTER OF  
THE LICENSURE OF  
JEREMIAH CARTER



BEFORE THE COMMISSIONER  
OF INSURANCE

ORDER and FINAL  
AGENCY DECISION

DOCKET NO. 1589

This matter was heard on Thursday, September 8, 2011, by the undersigned Hearing Officer, as designated by the Commissioner of Insurance pursuant to N.C. Gen. Stat. § 58-2-55. The administrative hearing was held in Room #2099 of the Dobbs Building, located at 430 North Salisbury Street, Raleigh, Wake County, North Carolina. Assistant Attorney General LaShawn S. Piquant represented the North Carolina Department of Insurance, Agent Services Division (hereinafter "Agent Services"). Respondent was present and represented himself at the proceeding.

After careful consideration of the evidence and arguments presented, and based on the record as a whole, the undersigned Hearing Officer hereby makes the following Findings of Fact and Conclusions of Law:

**Findings of Fact**

1. The Notice of Administrative Hearing was properly served on Respondent pursuant to Rule 4 of the North Carolina Rules of Civil Procedure.
2. This matter was initially scheduled for Thursday, August 25, 2011. Respondent requested a continuance. The matter was rescheduled for Thursday, September 8, 2011.
3. Respondent was issued a professional bail bondsman license by Agent Services on November 26, 2006.
4. On or about August 31, 2011, during the time of the continuance in this matter, Respondent delivered statutorily mandated monthly reports to Agent Services for the months of August 2010 through July 2011. The reports were not timely.
5. Pursuant to N.C. Gen. Stat. § 58-71-165, a bail bondsman must file with the Commissioner a written report which sets out all bond liability as of the first day of each month. The report shall be filed on or before the fifteenth day of each

month. Respondent failed to timely submit monthly reports for August 2010 through July 2011.

6. Respondent failed to deposit the necessary funds to maintain his security deposit and violated N.C. Gen. Stat. §58-71-160(a). This statute provides that “[a]ny professional bondsman, whose security deposits with the Commissioner are, for any reason, reduced below the requirements . . . shall immediately upon receipt of deficiency from the Commissioner, deposit such additional securities as are necessary to comply with the law.”
7. Pursuant to the monthly reports submitted by Respondent for July, August, September, and October 2010, his security deposit was deficient in the amount of \$2,638.00 for each month. Respondent was notified of his outstanding deficiencies by Agent Services, and he did not bring his security deposit into compliance.
8. Based on the Respondent’s monthly reports for March, 2011, Respondent’s security deposit was deficient in the amount of \$4,638.00 for the month of March. Respondent was notified of his outstanding deficiencies by Agent Services and did not bring his security deposit into compliance. At the hearing, Respondent appeared to be asserting that something was wrong with the amounts of the bonds on his report. Based on his inconsistent and muddled responses on this point, the content of his report, the certification on the report, and the lack of documentary support for his assertions, and other factors, the undersigned does not find the Respondent’s testimony on this point to be credible. Additionally, Respondent asserted that he surrendered Ms. Jones on April 27, 2011. The undersigned does accept Respondent’s testimony concerning the date of surrender as true.
9. Respondent wrote bonds that exceeded his statutory bond-writing limit. N.C. Gen. Stat. § 58-71-175 provides that “[n]o professional bail bondsman shall become liable on any bond or multiple bonds for any one individual that total more than one-fourth (1/4) of the value of the securities deposited with the Commissioner at that time, until final termination of liability on such bond or multiple of bonds.” The bonds on Gregory Weiss listed on the July, August, September and October, 2010 reports exceeded Respondent’s statutory limit and violated N. C. Gen. Stat. § 58-71-175. In July, August, September and October, 2010, Respondent exceeded his statutory authority by \$2,638.00. The combined bonds on Tyhesha Jones as reported on Respondent’s March, 2011 report exceeded Respondent’s statutory limit and violated N. C. Gen. Stat. § 58-71-175. Based on the Respondent’s monthly reports submitted for March 2011, Respondent exceeded his statutory authority by \$4,638.00 for that month
10. Based on the Respondent’s monthly reports submitted for March, 2011, Respondent exceeded his statutory authority by \$4,638.00 for that month. In July,

August, September and October, 2010, Respondent exceeded his statutory authority by \$2,638.00. The Respondent violated N.C. Gen. Stat. § 58-71-175.

11. Respondent provided Agent Services with inaccurate monthly reports for July, 2010. During the hearing, Agent Services introduced into evidence two monthly reports submitted by Respondent for the month of July, 2010. One report was submitted on or about August 23, 2010; the other was submitted on August 31, 2011. On cross-examination, Respondent testified that his monthly reports were accurate and could be relied on by Agent Services. Respondent testified that although submitted at different times, the information contained in both July 2010 monthly reports was identical and accurate.
12. On rebuttal, Agent Services established that the information contained in the two July 2010 monthly reports was not consistent or reliable. The July 2010 monthly report submitted on August 31, 2011 was not accurate. It did not include bonds that were included on the report submitted in August 2010.

#### Conclusions of Law

1. This matter is properly before the Commissioner, and the Commissioner has jurisdiction over the parties and the subject matter pursuant to N. C. Gen. Stat. §§ 58-71-80, 150B-38 and 150-40, as well as 11 N.C.A.C. 10401 et seq. and other applicable statutes and regulations.
2. Respondent was properly served with the Notice of Administrative Hearing.
3. Respondent is in violation of N.C. Gen. Stat. § 58-71-80(a)(7) which provides that the Commissioner may deny, suspend, revoke or refuse to renew any license for "failure to comply with or violation of the provisions of this Article or of any order, rule, or regulation of the Commissioner."
4. Respondent violated N.C. Gen. Stat. § 58-71-165 which requires a bail bondsman to file with the Commissioner a written report which sets out all bond liability as of the first day of each month and which requires that the reports be filed on or before the fifteenth day of each month. Respondent failed to timely submit monthly reports for each month for the time period of August 2010 through July 2011. These violations alone provide sufficient grounds to revoke Respondent's license.
5. Respondent violated N. C. Gen. Stat. § 58-71-175 by writing bonds that exceeded his statutory limit. These violations alone provide sufficient grounds to revoke Respondent's license.


6. Respondent violated N.C. Gen. Stat. § 58-71-160 by failing to deposit the necessary funds to maintain his security deposit at required levels. These violations alone provide sufficient grounds to revoke Respondent's license.
7. Respondent is in violation of N.C. Gen. Stat. § 58-71-80(a)(8) which provides that the Commissioner may deny, suspend, revoke or refuse to renew any license "[w]hen in the judgment of the Commissioner, the licensee has in the conduct of the licensee's affairs under the license, has demonstrated incompetency, financial irresponsibility, or untrustworthiness; or that the licensee is no longer in good faith carrying on the bail bond business. . . ." Through the failure to submit reports in a timely manner, the Respondent has demonstrated incompetency, financial irresponsibility and untrustworthiness in the conduct of his affairs under the license. By exceeding his statutory authority for bonds, the Respondent has demonstrated incompetency, financial irresponsibility and untrustworthiness in the conduct of his affairs under the license. By failing to deposit the necessary funds to maintain his security deposit at the required level, the Respondent has demonstrated incompetency, financial irresponsibility and untrustworthiness in the conduct of his affairs under the license. By filing inaccurate reports with the Department, the Respondent has demonstrated incompetency, financial irresponsibility and untrustworthiness in the conduct of his affairs under the license. These violations alone provide sufficient grounds to revoke Respondent's license.
8. Respondent's license should be revoked.

Based on the foregoing Finding of Facts and Conclusions of Law, the Hearing Officer enters the following:

#### Order

It is ordered that the professional bail bondsman license of Respondent Jeremiah Carter is hereby revoked.

This the 11th day of October, 2011.

  
Stewart L. Johnson, Hearing Officer  
N.C. Department of Insurance


APPEAL RIGHTS: This Order may be appealed to Superior Court within 30 days of receipt, as set forth in the General Statutes of North Carolina.

**CERTIFICATE OF SERVICE**

I hereby certify that I have this day served the foregoing Order and Final Agency Decision by US mail, first class postage affixed and addressed as follows:

**Jeremiah Carter  
3604 West Court  
Wilson, NC 27893**

This the 12<sup>th</sup> day of October, 2011.



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