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NORTH CAROLINA DEPARTMENT OF INSURANCE
RALEIGH, NORTH CAROLINA

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STATE OF NORTH CAROLINA
COUNTY OF WAKE SERVICES
DIVISION

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A.S. - N.C.D.O. BEFORE THE COMMISSIONER OF INSURANCE

APR 20 2007

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BEFORE THE COMMISSIONER OF INSURANCE

IN THE MATTER OF THE LICENSURE OF NORMAN S. EDWARDS
VOLUNTARY SETTLEMENT AGREEMENT

NOW COME Norman S. Edwards (hereinafter "Edwards") 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, Edwards holds active licenses as a professional bondsman and as a surety bondsman issued by the Department; and

WHEREAS, N.C. Gen. Stat. § 58-71-145 requires each professional bail bondsman acting as a surety on bail bonds in this State to maintain a deposit of securities with and satisfactory to the Commissioner of Insurance (hereinafter "the Commissioner") of a fair market value of at least one-eighth the amount of all bonds or undertakings written in this State on which he is absolutely or conditionally liable as of the first day of the current month; and

WHEREAS, N.C. Gen. Stat. § 58-71-145 further requires that the amount of this deposit be reconciled with the bondsman's liabilities as of the first day of the month on or before the fifteenth day of said month and that the value of said deposit shall in no event be less than fifteen thousand dollars (\$15,000); and

WHEREAS, an investigation by the Department revealed that, over the time period reviewed by the Department, on multiple months the value of Edwards' deposit of securities with the Commissioner was less than one-eighth the amount of all bonds or undertakings written by Edwards for which he was absolutely or conditionally liable; and

WHEREAS, N.C. Gen. Stat. § 58-71-175 states that no professional bondsman shall become liable on any bond or multiple of bonds for any one individual that totals more than one-fourth 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; and

WHEREAS, an investigation by the Department revealed that Edwards was liable on bonds for the following defendants when the bond amounts for each defendant were in excess of

one-fourth of the value of the securities deposited with the Commissioner at the time the bonds was written: 11/11/2005 - Guilford County - Defendant Michael Casey - \$5,500 bond, 1/2/2006 - Guilford County - Defendant Felicia Hopkins - 3 bonds totaling \$7,000, 1/21/2006 - Davidson County - Defendant Jay P. Henderson - 2 bonds totaling \$10,000, 2/7/2006 - Guilford County - Paul Wood - 2 bonds totaling \$10,000, 2/12/2006 - Davidson County - Defendant Jasper Pato - \$6,000 bond, 4/25/2006 - Guilford County - Defendant Crystal Neal - \$6,000 bond, 4/23/2006 - Guilford County - Defendant Christopher Swaney - \$6,000 bond, 4/25/2006 - Guilford County - Defendant Douglas Campbell - \$6,000 bond, 4/25/2006 - Guilford County - Defendant John Hoffer - \$6,000 bond, 8/3/2006 - Guilford County - Defendant Keith Kinley - \$5,500 bond, 12/7/2006 - Guilford Counties - Defendant Rashan Thorwan - 2 bonds totaling \$5,500; and

WHEREAS, N.C. Gen. Stat. § 58-71-165 requires that each professional bail bondsman and surety bondsman shall file with the Commissioner a written report in the form prescribed by the Commissioner regarding all outstanding bail bonds as of the first day of each month showing (i) each individual bonded, (ii) the date the bond was given, (iii) the principal sum of the bond, (iv) the state or local official to whom given, and (v) the fee charged for the bonding service in each instance; and

WHEREAS, N.C. Gen. Stat. § 58-71-165 further requires that the written report shall be filed with the Commissioner on or before the fifteenth day of each month; and

WHEREAS, in violation of N.C. Gen. Stat. § 58-71-165, Edwards failed to timely file with the Commissioner the required monthly reports for the months of January, February, March, April and July of 2006; and

WHEREAS, the Department sent notice to Edwards by letter to his address of record of his failure to timely file these required monthly reports for said months, to which Edwards did not respond; and

WHEREAS, Edwards admits to the violations set out herein; and

WHEREAS, Edwards' violations of N.C. Gen. Stat. §§ 58-71-145, 58-71-165 and 58-71-175 demonstrate a failure to comply with and/or a violation of the provisions of Article 71 of Chapter 58 of the North Carolina General Statutes for which Edwards's bail bondsman license could be revoked pursuant to N.C. Gen Stat. § 58-71-80(a)(7); and

WHEREAS, Edwards' violations of N.C. Gen. Stat. §§ 58-71-145, 58-71-165 and 58-71-175 demonstrate financial irresponsibility and incompetency in violation of N.C. Gen. Stat. § 58-71-80(a)(8), for which Edwards's bail bondsman license could be revoked; and


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

1. Immediately upon his signing of this document, Edwards shall pay a **civil penalty of \$1,000.00** to the Department. The form of payment shall be in a certified check, cashiers 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." Edwards shall send the civil penalty by certified mail, return receipt requested, to the Department simultaneously with the return of this Agreement, signed by Edwards. The civil penalty and the signed Agreement must be received by the Department no later than **April 19, 2007**. 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. Edwards shall obey all laws and regulations applicable to all licenses issued to him.
3. Edwards enters into this Agreement freely and voluntarily and with knowledge of his right to have an administrative hearing on this matter. Edwards 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 Edwards, or in any other cases or complaints involving Edwards.
5. The parties to this Agreement agree that this Agreement shall have the full force and effect of an Order of the Commissioner. Edwards understands that N. C. Gen. Stat. § 58-71-80(a)(7) provides that a 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. Any and 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 Edwards and the Department.

This the 8 day of April, 2007.

By: 
Norman S. Edwards

North Carolina Department of Justice

By: 
Angela Ford
Senior Deputy Commissioner

4-24-07