

**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 MICHAEL M. GAITHER**

**VOLUNTARY SETTLEMENT  
AGREEMENT**

**NOW COME**, Michael M. Gaither (hereinafter "Mr. Gaither") 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 ball bondsmen; and 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 licensed; and

**WHEREAS**, Mr. Gaither applied for a surety bail bonds license on July 6, 2017; and

**WHEREAS**, Mr. Gaither answered "No" to the question on the application: "Have you ever been convicted, or are you currently charged with, committing a crime, whether or not adjudication was withheld?"; and

**WHEREAS**, a Department search of records revealed that Mr. Gaither was found guilty of a misdemeanor charge of Disorderly Conduct in Forsyth County, NC on or about June 5, 2003, and the misdemeanor charge of Simple Possession of a Schedule VI Controlled Substance on or about June 5, 2003 in Forsyth County, NC; 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**, Mr. Gaither admits to this violation of N.C. Gen. Stat. § 58-71-80 (a) (3).

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

1. Immediately upon his signing of this document, Mr. Gaither 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." Mr. Gaither shall send the civil penalty by certified mail, return receipt requested, to the Department simultaneously with the return of this Agreement, signed by Mr. Gaither. The civil penalty and the signed Agreement must be received by the Department no later than January 15, 2018. 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. That Mr. Gaither attend a pre-licensing refresher course such as set forth and required by N.C. Gen. Stat. § 58-71-71 and present proof of attendance and completion to the Department before Mr. Gaither will be allowed to take the state examination.

3. That Mr. Gaither sit for and satisfactorily take and pass the examination required for surety bail bondsmen by N.C. Gen. Stat. § 58-71-70.

4. That Mr. Gaither select and obtain approval from the Department of a replacement supervising bail bondsman for the first 12 months of licensure.

5. Mr. Gaither shall obey all laws and regulations applicable to all licenses issued to him.

6. Mr. Gaither enters into this Agreement freely and voluntarily and with knowledge of his right to have an administrative hearing on this matter. Mr. Gaither understands that he may consult with an attorney prior to entering into this Agreement.

7. This Agreement does not in any way affect the Department's disciplinary power in any future follow-up examinations of Mr. Gaither, or in any other cases or complaints involving Mr. Gaither.

8. The parties to this Agreement agree that this Agreement shall have the full force and effect of an Order of the Commissioner. Mr. Gaither 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.

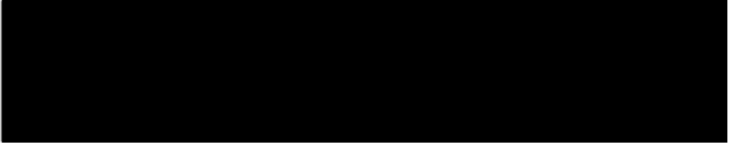
9. This Voluntary Settlement Agreement, when finalized, will be a public record and is not confidential. Any and all licenses issued by the Department to the licensee shall reflect that Regulatory Action has been taken against the licensee following the execution of this Agreement. The Department is 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.

10. This Settlement Agreement shall become effective when signed by Mr. Gaither and the Department.

This the day of 9<sup>th</sup> day of January, 2018



By: Michael M. Gaither



By: Marty Sumner  
Deputy Commissioner

