

NORTH CAROLINA DEPARTMENT OF INSURANCE

RALEIGH, NORTH CAROLINA

RECEIVED IN AGENT SERVICES

STATE OF NORTH CAROLINA
COUNTY OF WAKE

S. - N.C.D.O.I.

BEFORE THE COMMISSIONER OF
INSURANCE

JUN 29 2011

IN THE MATTER OF
LICENSURE OF
MATTHEW L. GREGORY
LICENSE NO. 0012753044

VOLUNTARY SETTLEMENT
AGREEMENT

84057

NOW COME, Matthew L. Gregory (hereinafter "Mr. Gregory") 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, Mr. Gregory holds an active license as a surety bail bondsman issued by the Department; and

WHEREAS, N.C. Gen. Stat. § 58-71-95(5) provides that no bailbondsmen or runner shall accept anything of value from a principal or from anyone on behalf of a principal except the premium, which shall not exceed fifteen percent (15%) of the face amount of the bond;

WHEREAS, N.C. Gen. Stat. § 58-71-80(a)(4) provides that 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 misappropriation, conversion or unlawful withholding of moneys belonging to insurers or others and received in the conduct of business under the license; and

WHEREAS, a Department investigation revealed that Mr. Gregory charged Regina and Tommy Wilson for a bond forfeiture in the amount of \$2000.00 on behalf of Tommy Wilson before it was due and before it was required to be paid by Mr. Gregory, constituting, in effect, an overcharging of the fee required for the bond in violation of N.C. Gen. Stat. § 58-71-95(5) and/or a misappropriation, conversion or unlawful withholding of moneys belonging to Regina and Tommy Wilson in violation of N.C. Gen. Stat. § 58-71-80(a)(4); and

WHEREAS, information submitted to the Department indicates that Mr. Gregory notified the police after he collected the forfeiture amount so that Mr. Wilson could be arrested for failing to appear in court although Mr. Gregory was aware of Mr. Wilson's whereabouts at that time, but Mr. Gregory did not seek to have the forfeiture set aside so that the \$2000.00

could be returned to the Wilsons; and

WHEREAS, overcharging for the bond fee and/or misappropriation, conversion or unlawful withholding of moneys belonging to Regina and Tommy Wilson further reflects a violation of N.C. Gen. Stat. § 58-71-80(a)(8), in that such action evidences that Mr. Gregory has in the conduct of his affairs under his surety bondsman's license demonstrated incompetency, financial irresponsibility, or untrustworthiness, or that he is no longer in good faith carrying on the bail bond business; and

WHEREAS, Mr. Gregory admits to the violations set out herein; and

WHEREAS, Mr. Gregory's violations of N.C. Gen. Stat. § 58-71-95(5), § 58-71-80(a)(4) and (a)(8) 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 Mr. Gregory's surety bondsman license could be revoked, suspended or not renewed pursuant to N.C. Gen Stat. § 58-71-80(a)(7); and

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

1. Immediately upon his signing of this document, Mr. Gregory shall pay a **civil penalty of \$750.00** 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." Mr. Gregory shall send the civil penalty by certified mail, return receipt requested, to the Department simultaneously with the return of this Agreement, signed by Mr. Gregory. The civil penalty and the signed Agreement must be received by the Department no later than **July 1, 2011**. 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. Mr. Gregory shall obey all laws and regulations applicable to all licenses issued to him.

3. Mr. Gregory enters into this Agreement freely and voluntarily and with knowledge of his right to have an administrative hearing on this matter. Mr. Gregory 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 Mr. Gregory, or in any other cases or complaints involving Mr. Gregory.


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

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 Mr. Gregory and the Department.

This the 27 day of June, 2011.

North Carolina Department of Insurance

By: 
Matthew L. Gregory
License No. 0012753044

By:  6-30-11
Angela Ford
Senior Deputy Commissioner