

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 HARCO NATIONAL INSURANCE
COMPANY

VOLUNTARY SETTLEMENT
AGREEMENT

NOW COME HARCO National Insurance Company (hereinafter "HARCO") 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 the regulation of the business of insurance, bail bondsmen and runners; and

WHEREAS, HARCO holds an active license as an insurance company issued by the Department; and

WHEREAS, the Department has received a consumer complaint about HARCO's insurance business and has conducted an investigation regarding this complaint; and

WHEREAS, HARCO has violated N. C. Gen. Stat. § 58-71-20 by failing to return to James Green the full bond premium of \$15,000 within 72 hours which is grounds for suspension or revocation of HARCO's license under N.C. Gen. Stat. § 58-71-80(4); and

WHEREAS, HARCO's violations of the above-referenced statutes are sufficient grounds for the Department to institute proceedings to revoke or suspend HARCO's license; and

WHEREAS, HARCO has refunded the amounts wrongfully withheld to the person entitled to the funds; and

WHEREAS, HARCO 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 HARCO; and


WHEREAS, the parties to this Agreement mutually wish to resolve this matter by consent before the Department initiates an administrative hearing concerning this matter; and


WHEREAS, the parties to this Agreement have reached a mutually agreeable resolution of this matter as set out in this Agreement.

NOW, THEREFORE, in exchange for the consideration of the promises and agreements set out herein, the Department and HARCO hereby agree to the following:

1. Contemporaneously with the execution of this document, HARCO shall pay a civil penalty of one thousand dollars (\$1,000.00) to the Department. The check for the payment of this civil penalty shall be payable to the "North Carolina Department of Insurance." This 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. HARCO shall obey all laws and regulations applicable to a licensed surety bondsman.
3. HARCO enters into this Agreement freely and voluntarily and with knowledge of his right to have an administrative hearing on this matter. HARCO 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 HARCO, or in any other cases or complaints involving HARCO.
5. The parties to this Agreement agree that this Agreement shall have the full force and effect of an Order of the Commissioner. HARCO 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. The parties have read and understand this Agreement and agree to abide by the terms and conditions stated herein.

This the 31st day of March, 2005.

By: 
HARCO National Insurance Company
VP Treasurer

By: 
North Carolina Department of Insurance
Angela K. Ford, Senior Deputy Commissioner

4-29-05