

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 LORETTA HARPER

VOLUNTARY SETTLEMENT
AGREEMENT

NOW COME Loretta Harper (hereinafter "Loretta") 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 the insurance laws of this State, and for regulating and licensing bail bondsmen;

WHEREAS, Loretta holds an active professional bondsman license issued by the Department;

WHEREAS, the Department received a complaint about Loretta's conduct of her bail bond business and has conducted an investigation into such complaint;

WHEREAS, Loretta held \$1000.00 which she received in trust for Zaida Ponce as collateral for the bond written for Jael Alcala;

WHEREAS, the case was disposed of on 11/23/04 and the final termination of liability on the bond was on January 5, 2004;

WHEREAS, Loretta should have returned the \$1000.00 in collateral within 72 hours of January 5, 2004, but did not return it until 5/14/05;

WHEREAS, Loretta violated N.C. Gen. Stat. § 58-71-80(4) by unlawfully withholding \$1000.00 which she received in trust for Zaida Ponce as collateral for the bond written for Jael Alcala;

WHEREAS, Loretta violated N.C. Gen. Stat. § 58-71-95(5) by failing to return Ms. Ponce's collateral deposit of \$1000.00 within 72 hours of January 5, 2004;

WHEREAS, Loretta violated 11 NCAC 13.0515 by failing to show her name as bail bondsman on the receipt which she furnished to the defendant;

WHEREAS, Loretta violated N.C. Gen. Stat. § 58-71-175 by writing a bond in May 2005 which exceeded 1/4 of the value of the securities which she had deposited with the Commissioner at that time;

WHEREAS, Loretta's violations of the above laws constitute sufficient grounds for the Department to institute proceedings to revoke her license;

WHEREAS, Loretta 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 Loretta;

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;

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 Loretta hereby agree that:

1. Loretta shall and in fact has paid a **civil penalty of \$500.00** to the Department.
2. Loretta shall obey all laws and regulations applicable to licensed surety and professional bondsmen.
3. Loretta enters into this Agreement freely and voluntarily and with knowledge of her right to have an administrative hearing on this matter. Loretta understands that she 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 Loretta, or in any other cases or complaints involving Loretta.
5. The parties to this Agreement agree that this Agreement shall have the full force and effect of an Order of the Commissioner. Loretta 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 Settlement Agreement shall become effective when signed by Loretta and the Department.

North Carolina Department of Insurance

[Redacted]

[Redacted]

Loretta Harper

By: _____
Angela Ford
Senior Deputy Commissioner

Date: 10-23-05

Date: 11-7-05