

Durham city.

NORTH CAROLINA DEPARTMENT OF INSURANCE

RALEIGH NORTH CAROLINA
 RECEIVED AGENT SERVICES
 A.S. - N.C.D.O.P.

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STATE OF NORTH CAROLINA
COUNTY OF WAKE

BEFORE THE COMMISSIONER
OF INSURANCE

IN THE MATTER OF THE LICENSURE
OF ANDREW HARRIS

VOLUNTARY SETTLEMENT
AGREEMENT

NOW COME Andrew Harris (hereinafter "Harris") 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, Harris holds an active surety bondsman license issued by the Department (license number S1165); and

WHEREAS, on February 26, 2003, Harris collected a collateral security in the amount of \$2,125.00 from Brian Owens (hereinafter "Owens"), for Owens's District Court case number 03 CR 043400 in Durham County; and

WHEREAS, Owens's case reached final disposition on September 25, 2003; and

WHEREAS, Harris failed to return the collateral within 72 hours after the final disposition of Owens's case; and

WHEREAS, Harris did not return Owens's collateral until June 25, 2004; and

WHEREAS, Harris has violated N.C. Gen. Stat. § 58-71-80(a)(4) by engaging in the "unlawful withholding of moneys belonging . . . to others and received in the conduct of business under the license"; and

WHEREAS, Harris has violated N.C. Gen. Stat. § 58-71-95(5) by failing to return Owens's collateral "within 72 hours after final termination of liability on the bond"; 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

WHEREAS, Harris 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 Harris; 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 Harris hereby agree to the following:

1. Contemporaneously with the execution of this document, Harris 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."

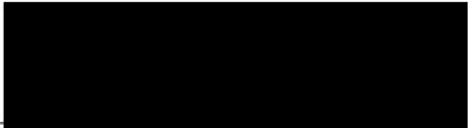
2. Harris enters into this Agreement freely and voluntarily and with knowledge of his right to have an administrative hearing on this matter. Harris understands that he may consult with an attorney prior to entering into this Agreement.

3. This Agreement does not in any way affect the Department's disciplinary authority in any other cases or complaints involving Harris.

4. The parties to this Agreement agree that this Agreement shall have the full force and effect of an Order of the Commissioner. Harris 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.

5. The parties have read and understand this Agreement and agree to abide by the terms and conditions stated herein.


Andrew Harris


North Carolina Department of Insurance
By: Angela Ford

Date: 7/8/05

Date: 7-18-05