

Bobby sent
BB 415 copy.

RECEIVED IN AGENT SERVICES
A.S. - N.C.D.O.I.
80911
MAY 11 2011
[Redacted]

NORTH CAROLINA DEPARTMENT OF INSURANCE
RALEIGH, NORTH CAROLINA

STATE OF NORTH CAROLINA)
COUNTY OF WAKE)

IN THE MATTER OF THE LICENSURE)
OF GREGORY B. HOLEMAN)
(NPN 10004571))

BEFORE THE COMMISSIONER OF INSURANCE
Docket Number: D-1689

**CONSENT ORDER AND FINAL
AGENCY DECISION**

THIS CAUSE coming on to be heard before the undersigned Hearing Officer, as designated by the Commissioner of Insurance pursuant to North Carolina General Statute § 58-2-55, on this day, pursuant to the request of the parties.

Petitioner, the North Carolina Department of Insurance (hereinafter "Department"), appearing and represented by Robert Croom, Assistant Attorney General.

Respondent, Gregory B. Holeman (hereinafter "Respondent"), appearing *pro se*.

WHEREAS, THE PARTIES HAVING REPRESENTED TO THE UNDERSIGNED that the parties have reached a mutually agreeable resolution of this matter as set out in this Consent Order; and

THE PARTIES HAVING REPRESENTED TO THE UNDERSIGNED that Respondent ADMITS that on or about August 8, 2008, Respondent posted a bond in the amount of \$150,000 for Rodney Earl Cannady in Franklin County, North Carolina; and

THE PARTIES HAVING REPRESENTED TO THE UNDERSIGNED that Respondent ADMITS that in exchange for posting the bond, Respondent charged a premium of \$15,000, \$7,500 of which was to be paid when the bond was posted, with the remaining payments to be paid later; and

THE PARTIES HAVING REPRESENTED TO THE UNDERSIGNED that Respondent ADMITS that Respondent accepted from Eula M. Cannady a check in the amount of \$5,500, which ultimately was returned for not sufficient funds, and a truck, which Respondent was going to hold until Eula M. Cannady could pay an additional \$2,000 to meet the initial payment of \$7,500; and

THE PARTIES HAVING REPRESENTED TO THE UNDERSIGNED that Respondent ADMITS that he failed to maintain a written memorandum of the agreement to defer payment of a portion of the bond premium, or receipts for the premium payments he received from his

transaction with Eula M. Cannady as required by N.C. Gen. Stat. §§ 58-71-167 and 58-71-168 and 11 NCAC 13.0515 and in violation of N.C. Gen. Stat. § 58-71-80(a)(7); and

THE PARTIES HAVING REPRESENTED TO THE UNDERSIGNED that Respondent agrees to pay a civil monetary penalty in the amount of \$250.00 pursuant to N.C. Gen. Stat. §58-2-70 by reason of his violations of N.C. Gen. Stat. §§ 58-71-80(a)(7), 58-71-167 and 58-71-168, as well as 11 NCAC 13.0515, as set out above; and

IT IS, THEREFORE, BY CONSENT, ORDERED:

1. 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."

2. Respondent has violated N.C. Gen. Stat. § 58-71-80(a)(7) by his failure to maintain a written memorandum of the agreement to defer payment of a portion of the bond premium, or receipts for the premium payments he received from his transaction with Eula M. Cannady, as is required by N.C. Gen. Stat. §§ 58-71-167 and 58-71-168 as well as 11 NCAC 13.0515

3. Respondent shall pay a civil monetary penalty in the amount of \$250.00 to the North Carolina Department of Insurance pursuant to N.C. Gen. Stat. § 58-2-70 by reason of his violations of N.C. Gen. Stat. §§ 58-71-80(a)(7), 58-71-167 and 58-71-165 as well as 11 NCAC 13.0515, as set out above. 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.

4. The above-referenced civil monetary penalty will be paid by cashier's check or official bank check made out to the "North Carolina Department of Insurance." The check shall be delivered to the Department with the Consent Order signed by Respondent.

5. Respondent shall comply with all provisions of Chapter 58 of the North Carolina General Statutes and Title 11 of the North Carolina Administrative Code that are applicable to him.

6. This administrative action, 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. By signing this Consent Order, Respondent expressly waives his right to any further proceedings in this matter, and expressly waives his right to seek judicial review or to otherwise challenge the validity of this Consent Order.

8. Except as to the matters and things necessarily determined within the scope of this administrative proceeding, this Consent Order shall not prevent the department from taking any other administrative action it is authorized to take against Respondent in any future follow-up examinations of Respondent, or in any other cases or complaints involving respondent.

This the 12th day of May, 2011.



Stewart L. Johnson
Hearing Officer
N.C. Department of Insurance

WE CONSENT:

NORTH CAROLINA DEPARTMENT OF
INSURANCE

By:



5-11-11

Angela Ford
Senior Deputy Commissioner

By:




Gregory B. Holeman

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I have this day served a copy of the foregoing CONSENT ORDER AND FINAL AGENCY DECISION by mailing a copy of the same via certified U.S. mail, return receipt requested, in a first class postage prepaid envelope addressed as follows:

Gregory B. Holeman
509 Get A Way Lane
Bahama, NC 27503

This the 13th day of May, 2011.



Robert D. Croom
Assistant Attorney General
N. C. Department of Justice
P.O. Box 629
Raleigh, NC 27602-0629
(919) 716-6610