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APR 2 - 2018
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STATE OF NORTH CAROLINA
COUNTY OF WAKE
PROCESSOR

NORTH CAROLINA DEPARTMENT OF INSURANCE
RALEIGH, NORTH CAROLINA

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**IN THE MATTER OF THE LICENSURE OF BENJAMIN W. HUSS,
(NPN 8392450)** **VOLUNTARY SETTLEMENT AGREEMENT**

NOW COME Benjamin W. Huss ("Bail Bondsman") and the North Carolina Department of Insurance ("Department") and voluntarily and knowingly enter into the following Voluntary Settlement Agreement ("Agreement"):

WHEREAS, the Department has the authority and responsibility for enforcement of the insurance laws of this State and for regulating and licensing professional and surety bail bondsmen; and

WHEREAS, Bail Bondsman holds licenses as a professional bail bondsman and as a surety bail bondsman ("Licenses") issued by the Department; and

WHEREAS, N.C. Gen. Stat. §§ 58-71-165(a) and (c) require professional bail bondsmen to file with the North Carolina Commissioner of Insurance ("Commissioner") a written report "regarding all bail bonds on which the bondsman is liable as of the first day of each month" and to file this report "on or before the fifteenth day of each month;" and

WHEREAS, based on a good-faith misunderstanding of the law, Bail Bondsman filed incorrect monthly reports pursuant to N.C. Gen. Stat. § 58-71-165; and

WHEREAS, N.C. Gen. Stat. § 58-71-168 requires a bondsman to maintain copies of all records relating to bail bonds for no less than three years after final entry on a bond is made; and

WHEREAS, in filing incorrect monthly reports under N.C. Gen. Stat. § 58-71-165, Bail Bondsman failed to create and maintain accurate records under N.C. Gen. Stat. § 58-71-168; and

WHEREAS, N.C. Gen. Stat. § 58-71-82 provides in pertinent part that "[i]f an individual holds a professional bondsman's license or a runner's license and a surety bondsman's license simultaneously, they are considered one license for the purpose of disciplinary actions involving suspension, revocation, or nonrenewal;" and

WHEREAS, N.C. Gen. Stat. § 58-71-80(a)(7) authorizes the Commissioner to place on probation, suspend, revoke or refuse to renew Bail Bondsman's Licenses for failing to comply with or violating the provisions of Article 71 of N.C. Gen. Ch. 58, including N.C. Gen. Stat. §§ 58-71-165 and 168; and

WHEREAS, pursuant to N.C. Gen. Stat. § 58-2-70(g), the Commissioner 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 issued by the Department, or as to any civil penalty or restitution; and

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


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

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

1. Immediately upon signing this Agreement, Bail Bondsman shall pay a civil penalty of **Five Thousand Seven Hundred Dollars and No Cents (\$5,700.00)** to the Department. The form of payment shall be by certified check, cashier's 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." Bail Bondsman shall remit the civil penalty by certified mail, return receipt requested (attention: Joe Wall), to the Department along with the original of this Agreement bearing Bail Bondsman's signature. The civil penalty and the signed Agreement must be received by the Department no later than March 30, 2018. 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 public schools.
2. Bail Bondsman shall comply with all of the provisions of Chapter 58 of the North Carolina General Statutes and of Title 11 of the North Carolina Administrative Code that are applicable to Bail Bondsman. In doing so, Bail Bondsman shall, without limitation, ensure that, in compliance with N.C. Gen. Stat. § 58-71-165: (a) he files with the Commissioner his required monthly reports reflecting all bail bonds on which the bondsman is liable between the first and last days of any particular calendar month; and (b) he file such reports by the fifteenth (15th) day of the month following the calendar month of the report.
3. The Parties agree that this Agreement shall have the full force and effect of an Order of the Commissioner. Bail Bondsman understands that N.C. Gen. Stat. § 58-71-80(a)(7) provides that Bail Bondsman's license may be revoked for violating an Order of the Commissioner.
4. Bail Bondsman enters into this Agreement freely and voluntarily and with knowledge of Bail Bondsman's right to have an administrative hearing regarding this matter. Bail Bondsman understands that Bail Bondsman may consult with an attorney prior to entering into this Agreement.


5. This Agreement constitutes a complete settlement of all administrative penalties against Bail Bondsman for the acts, policies or practices expressly addressed in this Agreement. Except as to the acts, policies or practices expressly addressed herein, this Agreement does not in any way affect the Department's disciplinary power in any future examination of Bail Bondsman or in any other complaints involving Bail Bondsman. In the event that Bail Bondsman fails to comply with this Agreement or otherwise fails to comply with the laws and rules applicable to Bail Bondsman, the Department may take any administrative or legal action it is authorized to take.
6. This Agreement, when finalized, will be a public record and is not confidential. The Department is free to disclose the contents of this Agreement with third parties upon request or pursuant to any law or policy providing for such disclosure. Following the execution of this Agreement, any and all licenses issued by the Department to Bail Bondsman shall reflect that Regulatory Action has been taken against Bail Bondsman. The Department routinely provides copies of voluntary settlement agreements to all companies that have appointed the licensee.
7. Bail Bondsman understands and agrees that, if a state or federal regulator other than the Department has issued a permit or license to Bail Bondsman, that regulator may require Bail Bondsman to report this administrative action to it. Bail Bondsman understands and agrees that the Department cannot give Bail Bondsman legal advice as to the specific reporting requirements of other state or federal regulators.

when signed by Bail Bondsman and the


Benjamin W. Huss

Date: 3-22-18

NORTH CAROLINA DEPARTMENT OF INSURANCE

By: 
Teresa Knowles
Deputy Commissioner

Date: 04/03/2018