

SEP 18 2015
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NORTH CAROLINA DEPARTMENT OF INSURANCE
RALEIGH, NORTH CAROLINA

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SEP 18 2015
CHECK NO. _____
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STATE OF NORTH CAROLINA
COUNTY OF WAKE

BEFORE THE COMMISSIONER
OF INSURANCE

IN THE MATTER OF THE LICENSURE
OF BRIAN K. JOHNSON
NPN 10008228

VOLUNTARY SETTLEMENT
AGREEMENT

NOW COME Brian K. Johnson ("Mr. Johnson") and the North Carolina Department of Insurance ("Department"), and hereby 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 surety bail bondsmen; and

WHEREAS, Mr. Johnson holds an active surety bail bondsman license issued by the Department; and

WHEREAS, N.C. General Statute § 58-71-75 requires annual renewal of a surety bail bondsman's license on July 1 upon payment of the annual renewal fee; and

WHEREAS, Mr. Johnson violated N.C. General Statute § 58-71-75 by failing to renew his license in a timely manner; and

WHEREAS, Mr. Johnson and the Department have 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 Mr. Johnson; and

WHEREAS, pursuant to N.C. General Statute § 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 as to any civil penalty or restitution; 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, and in consideration of the promises and agreements set out in this Agreement, the Department and Mr. Johnson hereby agree to the following:

1. Mr. Johnson agrees to pay a civil penalty of five hundred (\$500.00) to the Department. The civil penalty must be paid with a certified check, cashier's check, or money order; and must be received by the Department contemporaneously with the executed Agreement, signed by Mr. Johnson, no later than 16 September 2015. The clear proceeds of the civil penalty shall be remitted to the Civil Penalty and Forfeiture Fund in accordance with N.C. General Statute § 115C-457.2.
2. Mr. Johnson enters into this Agreement freely and voluntarily and with knowledge of his right to have an administrative hearing on this matter. Mr. Johnson understands that he may consult with an attorney before entering into this Agreement.
3. This Agreement does not in any way affect the Department's disciplinary power in any future examinations of Mr. Johnson or in any other complaints involving Mr. Johnson.
4. The parties to this Agreement agree that this Agreement shall have the full force and effect of an Order of the Commissioner. Mr. Johnson understands that N.C. General Statute § 58-71-80(a)(7) provides that his license may be revoked for violating an Order of the Commissioner.
5. Mr. Johnson has read and understands this Agreement and agrees to abide by the terms and conditions stated in this Agreement.
6. This Agreement, when finalized, will be a public record and is not confidential. Any and all licenses issued by the Department to Mr. Johnson shall reflect that Regulatory Action has been taken against Mr. Johnson following the execution of this Agreement. 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.
7. This Agreement shall become effective when signed and attested to by Mr. Johnson and the Department.
8. Mr. Johnson understands that if a state or federal regulator other than the Department has issued an occupational or professional license to Mr. Johnson, that regulator may require Mr. Johnson to report this administrative action to that state or federal regulator. The Department cannot give Mr. Johnson legal advice as to the specific reporting requirements of other state or federal regulators.

18th

This the 16th day of Sept, 2015.

NORTH CAROLINA DEPARTMENT OF INSURANCE

By:



Brian K. Johnson

By:



Angela Ford
Senior Deputy Commissioner

9-18-15

