

**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 ANTHONY KENNEDY**

**VOLUNTARY SETTLEMENT
AGREEMENT**

NOW COME, Anthony Kennedy (hereinafter "Applicant") and the Bail Bond Regulatory Division of the North Carolina Department of Insurance (hereinafter "Bail Bond Regulatory Division"), and hereby voluntarily and knowingly enter into the following Voluntary Settlement Agreement (hereinafter "this Agreement"):

WHEREAS, Bail Bond Regulatory Division has the authority and responsibility for enforcement of insurance laws of this State, and for regulating and licensing bail bondsmen; and

WHEREAS, pursuant to N.C. Gen. Stat. § 58-71-85(b) the Commissioner may deny an initial application for a license for any reason for which a license may be suspended or revoked under N.C. Gen. Stat. § 58-71-80(a); and

WHEREAS, N.C. Gen. Stat. § 58-71-80(a)(3) provides that the Commissioner may deny, place on probation, suspend, revoke, or refuse to renew a license for a material misstatement, misrepresentation or fraud in obtaining the license; and

WHEREAS, Applicant applied for a surety bail bond license on January 28, 2021; and

WHEREAS, Applicant answered "No" to the question on the application asking "Do you individually and/or jointly have any civil judgments, or decrees or liens outstanding against you for any reason..."; and

WHEREAS, on or about June 17, 2020 a civil judgment was entered against Applicant in the total amount of \$4,202.10 in Madison County District Court Division – Small Claims docket number 20 CVM 6; and

WHEREAS, Applicant was required to disclose the above referenced civil judgment in response to the civil judgement question on his application to be a surety bail bond licensee, and he failed to do so in violation of N.C. Gen. Stat. § 58-71-80(a)(3); and

WHEREAS, the violation of N.C. Gen. Stat. § 58-71-80(a)(3) is grounds for denying Applicant's application for licensure; and

WHEREAS, the Department denied Applicant's application on March 10, 2021; and

WHEREAS, Applicant agreed on August 13, 2021 in principle to execute a Voluntary Settlement Agreement and pay a fine in the amount of \$500.00 as a condition to being licensed as a surety bail bondsman; and

WHEREAS, Applicant has agreed to settle, compromise, and resolve the matters referenced in this Agreement on behalf of himself, and Bail Bond Regulatory Division has agreed not to pursue additional civil ramifications; including penalties, sanctions, remedies or restitution based on these matters against Applicant; and

WHEREAS, this Agreement is civil in nature and does not preclude criminal prosecution that may result from investigations by the Department's Criminal Investigation Division for violations of criminal laws.

NOW, THEREFORE, in consideration of the promises and agreements set out herein, the Department and Applicant hereby agree to the following:

1. Immediately upon his signing of this document, Applicant shall pay a **civil penalty of \$500.00** to the Department. The form of payment shall be in the form of a 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." Applicant shall send the civil penalty by certified mail, return receipt requested, to the Department simultaneously with the return of this Agreement, signed by Applicant. The civil penalty and the signed Agreement must be received by the Department no later than **September 20, 2020**. 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.
2. The Department has reconsidered its denial of Applicant's application for licensure as a surety bail bondsman and will issue Applicant a surety bondsman's license upon receipt of Applicant's execution of this Voluntary Settlement Agreement and return to the Department accompanied with payment of the civil penalty set forth above in the amount of \$500.00; and
3. Applicant shall obey all laws and regulations applicable to all licenses issued to him.
4. Applicant enters into this Agreement freely and voluntarily and with knowledge of his right to have an administrative hearing on this matter. By signing this Agreement, Applicant certifies that he has conferred with his attorney, Joel Schechet, prior to entering into this Agreement.
5. This Agreement does not in any way affect the Department's disciplinary power in any future follow-up examinations of Applicant, or in any other cases or complaints

involving Applicant.

6. The parties to this Agreement agree that this Agreement shall have the full force and effect of an Order of the Commissioner. Applicant 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.
7. This Voluntary Settlement Agreement, when finalized, will be a public record and is not confidential. 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.
8. This Settlement Agreement shall become effective when signed by Applicant and the Department.

N.C. Department of Insurance



By: Anthony Kennedy
Applicant



By: Marty Sumner
Deputy Commissioner

Date: 8/24/21

Date: 9/2/21