

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 )  
RENALDO LANGLEY )  
(NPN #17686167) )

Respondent. )

ORDER AND  
FINAL AGENCY DECISION

Docket Number: 2038

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**THIS MATTER** was heard on Tuesday, August 31, 2021, by the undersigned Hearing Officer, as designated by the North Carolina Commissioner of Insurance (“Commissioner”) under N.C. Gen. Stat. § 58-2-55, pursuant to a Notice of Hearing that was duly served and issued.

The administrative hearing was held in the Albemarle Building, located at 325 North Salisbury Street, Raleigh, Wake County, North Carolina. Assistant Attorney General Heather H. Freeman represented the North Carolina Department of Insurance, Bail Bond Regulatory Division (hereinafter “Petitioner”).

Attorney Mark A. Key of The Key Law Firm represented Respondent Renaldo Langley (hereinafter, “Respondent”).

At the hearing, Steve Bryant, a Senior Complaint Analyst with the Bail Bond Regulatory Division (“BBRD”) of the Department testified for the Petitioner.

The Petitioner offered into evidence Petitioner’s Exhibits 1 – 13 and subparts, which were admitted into evidence.

The Respondent testified on his own behalf.

After careful consideration of the evidence and arguments presented, and based on the record as a whole, the undersigned Hearing Officer hereby makes the following Findings of Fact and Conclusions of Law:

## FINDINGS OF FACT

1. The Notice of Administrative Hearing set to be heard on May 25, 2021, was properly served on the Respondent pursuant to Rule 4 of the North Carolina Rules of Civil Procedure and N.C. Gen. Stat. §58-2-69(d). On May 25, 2021 the Respondent appeared without counsel and requested a continuance, which was granted.

2. On July 15, 2021, the Hearing Officer entered a Continuance and Scheduling Order setting the hearing on August 31, 2021.

3. The Respondent was licensed as a surety bondsman by the Department on August 15, 2015. In order to receive his license, the Respondent completed required training and education regarding the applicable statutes and administrative rules regulating licensed surety bondsmen in North Carolina.

4. At all relevant times herein and up to September 30, 2020, the Respondent was licensed as a surety bail bondsman licensee under license number 17686167.

5. At the August 31, 2021 hearing, Steve Bryant testified on behalf of the Petitioner. Mr. Bryant has been a Senior Complaint Analyst with the Bail Bonds Regulatory Division (“BBRD”) for approximately five years since the creation of BBRD. Prior to this, Mr. Bryant was a Complaint Analyst within the North Carolina Department of Insurance, Agent Services Division. Mr. Bryant’s normal job duties include investigating complaints made related to bondsmen licensed by the Department.

### Fowler Allegations

6. On October 15, 2018, the Department received a complaint by email regarding the Respondent’s alleged failure to return collateral on a bond written on behalf of Aisha Fowler in Franklin County File Numbers 16 CR 702759 and 16 CR 702760. Steve Bryant was assigned to investigate the complaint submitted against the Respondent.

7. During the investigation, Mr. Bryant obtained copies of the court files from Franklin County. Those files show that Aisha Fowler, a criminal defendant, had active bonds totaling \$2,500 in Franklin County File Numbers 16 CR 702759 and 16 CR 702760.

8. As a result of his investigation, Mr. Bryant learned that another licensed surety bondsman, Eeshea Easley with Allegiance Bail Bonds in Clayton, North

Carolina, wrote the bond on behalf of Aisha Fowler on August 6, 2018, using a Power of Attorney (Power Number FAS50-199353) issued by insurance company 1st Atlantic Surety Company. Both the Appearance Bond for Pretrial Release and the Power of Attorney documentation were signed by Ms. Easley.

9. According to the information contained on the Appearance Bond for Pretrial Release, Tametria Fowler is the party from whom the collateral was received, and it appears that Tametria Fowler signed the Appearance Bond for Pretrial Release in the "Nature of Collateral" box.

10. Tametria Fowler is Aisha Fowler's sister, and, according to the Respondent, he was friends with Tametria Fowler.

11. According to the information contained on the Appearance Bond for Pretrial Release, a premium of \$300 and collateral in the amount of \$2,000 was received for this bond, and was collected by Ms. Easley. This is in conflict with the information Mr. Bryant received from Aisha Fowler, who indicated that \$500 in collateral for the bonds was paid to the Respondent.

12. According to the Respondent, he did not write the bond and was not responsible for the bond. Rather, he was present, along with Ms. Easley, at the time the bond paperwork was completed.

13. Thereafter, the Respondent states that he dropped off the Appearance Bond for Pretrial Release paperwork at the courthouse as a favor for Ms. Easley in order to arrange for Aisha Fowler's release. This practice is referred to as "dropping the bond." According to the Respondent, he did not receive any fee from Ms. Easley or anyone else as a result of his services.

14. The charges against Aisha Fowler in Franklin County File Numbers 16 CR 702759 and 16 CR 702760 were disposed of on August 28, 2018. Thereafter, Tametria Fowler contacted the Respondent and requested the return of the collateral she had posted at the time of the bond.

15. According to the Respondent, he contacted Ms. Easley regarding the request for return of the cash collateral, and was told not to return the cash collateral until all fines owed by Aisha Fowler had been paid.

16. Thereafter, the Respondent received the cash collateral from Ms. Easley, and then returned the money to Tametria Fowler on December 21, 2018. Although he did not have a receipt or documentation of receipt of the money or the payment, the payment was confirmed to Mr. Bryant by Aisha Fowler via e-mail on January 10, 2019.

17. During his investigation, Mr. Bryant spoke with Ms. Easley, who informed him that she moved out of state and did not intend to continue to work as a licensed bondsman in North Carolina. Further, Ms. Easley, who was the subject of an investigation by BBRD, voluntarily surrendered her license for a period of 10 years.

### **Hinton Allegations**

18. On December 21, 2015, an Appearance Bond for Pretrial Release in the amount of \$3,000 was executed on behalf of Lonita Lasha Hinton (15 CR 227764), a criminal defendant, by Donald Sanders, a licensed surety bondsman, using a Power of Attorney (Power Number FCS5-1586818) issued by insurance company Financial Casualty & Surety, Inc. Both the Appearance Bond for Pretrial Release and the Power of Attorney documentation were signed by Mr. Sanders.

19. On July 18, 2016, Ms. Hinton failed to appear for a required court hearing. As a result, a Bond Forfeiture Notice was issued by the Wake County Superior Court on August 10, 2016, with a final judgment date of January 7, 2017.

20. On December 31, 2016, the Respondent arrested Ms. Hinton, dropped her off at the Wake County Detention Center, and instructed Ms. Hinton to surrender herself for a pending Failure to Appear warrant in Wake County case number 15 CR 227764.

21. According to the Respondent, he shared an office with Mr. Sanders, and arrested Ms. Hinton based on her Failure to Appear warrant at Mr. Sanders' request.

### **Failure to Report Allegations**

22. On February 6, 2019, the Respondent entered pleas of guilty in Lee County to one count of (M) Resist, Delay and Obstruct (15 CRS 53357) and to one count of (M) 2nd Degree Trespass (15 CRS 53117) and received a PJC on both convictions.

23. The Respondent failed to report to the Department in writing his February 6, 2019, Lee County convictions of (M) Resist, Delay and Obstruct (15 CR 53357) and (M) 2<sup>nd</sup> Degree Trespass (15 CR 53117).

24. The Respondent admitted that he failed to report his convictions to the Department and testified that he erroneously believed that only felony convictions were required to be reported to the Department.

### Miscellaneous Allegations

25. As part of his investigation, Mr. Bryant contacted the Respondent by email on December 14, 2018 and January 9, 2019, informing him of the complaint submitted by Aisha Fowler and requested that the Respondent provide a response within ten (10) days to the allegations in the complaint, as well as all documentation in the Respondent's possession related to the bond written in Franklin County file number numbers 16 CR 702759 and 16 CR 702760 for examination.

26. The Respondent received the December 14, 2018 and January 9, 2019, emails from Steve Bryant, but did not provide a written response within ten (10) days to the complaint nor provide any documentation related to the bond or collateral collected related to Franklin County file number numbers 16 CR 702759 and 16 CR 702760.

27. On February 12, 2019, Mr. Bryant and the Respondent spoke by telephone. The Respondent informed Mr. Bryant that he did not have all of the documentation related to the bond written in Franklin County file number numbers 16 CR 702759 and 16 CR 702760 because he "dropped the bond for another agent who surrendered their license and moved out of state."

28. As of September 30, 2020, the Respondent failed to properly renew his surety bail bondsman license as required by N.C.G.S. § 58-71-75 and is not currently licensed as a bondsman in this State.

29. On December 14, 2020, Mr. Bryant e-mailed the Respondent and requested that because he failed to renew his license he was prohibited from conducting any bail bond business that requires an active license. Further, Mr. Bryant demanded that the Respondent return his identification card and license.

30. The Respondent failed to surrender his identification card and his license to the Department as required by North Carolina General Statute.

31. The Respondent testified that at some point he lost his wallet and currently did not have his identification card and license in his possession.

### CONCLUSIONS OF LAW

1. This matter is properly before the North Carolina Commissioner of Insurance (hereinafter "Commissioner"), and the Commissioner has jurisdiction over the parties and the subject matter pursuant to N. C. Gen. Stat. §§ 58-2-55, 58-33-46, 150B-38 and 150-40, as well as 11 N.C.A.C. 10401 et seq. and other applicable statutes and regulations.

2. The Respondent was properly served with the Notice of Hearing and Petition in this matter.

3. Pursuant to N.C. Gen. Stat. § 150B-42(a), “[a] decision or order shall not be made except upon consideration of the record as a whole or such portion thereof as may be cited by any party to the proceeding and shall be supported by substantial evidence admissible under G.S. 150B-41.”

4. The Petitioner has the burden of proof in this matter. *See Johnson v. Johnson*, 229 N.C. 541, 544, 50 S.E.2d 569, 572 (1948).

5. The Petitioner must prove its allegations by a preponderance of the evidence. *Adams v. Bank United of Tex. FSB*, 167 N.C. App. 395, 401, 606 S.E.2d 149, 154 (2004) (“However, in North Carolina, a preponderance of the evidence quantum of proof applies in civil cases unless a different standard has been adopted by our General Assembly or approved by our Supreme Court.”).

6. “This preponderance does not mean the number of witnesses nor the mere volume of testimony, but refers to the reasonable impression made upon the minds of the jury by the entire evidence, taking into consideration the character and demeanor of the witness, their interest or bias and means and knowledge, and other attending circumstances.” *Hodges v. Southern R. Co.*, 122 N.C. 992, 994, 29 S.E. 939, 939 (1898).

7. N.C. Gen. Stat. § 58-71-1(11) defines “surety bondsman” as any person who is licensed by the Commissioner as a surety bondsman under this Article, is appointed by an insurer by power of attorney to execute or countersign bail bonds for the insurer in connection with judicial proceedings, and who receives or is promised consideration for doing so.”

8. Pursuant to N.C. Gen. Stat. § 58-71-40(a), “no person shall act in the capacity of a professional bondsman, surety bondsman, or runner or perform any of the functions, duties, or powers prescribed for professional bondsmen, surety bondsmen, or runners under this Article unless that person is qualified and licensed under this Article. No license shall be issued under this Article except to an individual natural person.”

9. N.C. Gen. Stat. § 58-2-69 provides that “if a licensee is convicted in any court of competent jurisdiction for any crime or offense other than a motor vehicle infraction, the licensee shall notify the Commissioner in writing within 10 days after the date of conviction,” which includes an adjudication of guilt, a plea of guilty, or a plea of nolo contendere.

10. N.C. Gen. Stat. § 58-71-95(5) prohibits a licensee to “accept anything of value from a principal or from anyone on behalf of a principal except the premium, which shall not exceed fifteen percent (15%) of the face amount of the bond; provided that the bondsman shall be permitted to accept collateral security or other indemnity from a principal or from anyone on behalf of a principal. Such collateral security or other indemnity required by the bondsman must be reasonable in relation to the amount of the bond and shall be returned within 15 days after final termination of liability on the bond. Any bail bondsman who knowingly and willfully fails to return any collateral security, the value of which exceeds one thousand five hundred dollars (\$1,500), is guilty of a Class I felony. All collateral security, such as personal and real property, subject to be returned must be done so under the same conditions as requested and received by the bail bondsman.”

11. 11 NCAC 13.0512(a) requires that “the collateral security required by bail bondsmen shall be reasonable in relation to the amount of the bond in that any collateral security (including personal property, real property, indemnity agreement and guarantee) received by such licensee shall not, in the aggregate, exceed the amount of the bond.”

12. N.C. Gen. Stat. § 58-2-195(a) provides that “the Commissioner is empowered to make and promulgate reasonable rules and regulations governing the recording and reporting of insurance business transactions by insurance agencies, agents, brokers and producers of record, any of which agencies, agents, brokers or producers of record are licensed in this State or are transacting insurance business in this State to the end that such records and reports will accurately and separately reflect the insurance business transactions of such agency, agent, broker or producer of record in this State. Information from records required to be kept pursuant to the provisions of this section must be furnished the Commissioner on demand and the original records required to be kept pursuant to the provisions of this section shall be open to the inspection for the Commissioner or any other authorized employee described in G.S. 58-2-25 when demanded...; (c) Any person subject to the provisions of subsection (a) of this section who violates the provisions of this section or the rules and regulations prescribed by the Commissioner pursuant to the provisions of this section may after notice and hearing: for the first offense have his license or licenses suspended or revoked for not less than one month nor more than six months...; (e) Whenever the Commissioner considers it prudent for the protection of policyholders in this State, he or any other authorized employee described in G.S. 58-2-25 shall visit and examine any insurance agency, agent, broker, adjuster, motor vehicle damage appraiser, or producer of record. The refusal of any agency, agent, broker, adjuster, motor vehicle damage appraiser, or producer of record to submit to examination is grounds for the revocation or refusal of a license.”

13. N.C. Gen. Stat. § 58-71-100(a) requires that “when a bail bondsman accepts collateral he shall give a written receipt for the collateral. The receipt shall give in detail a full description of the collateral received. Collateral security shall be held and maintained in trust. When collateral security is received in the form of cash or check or other negotiable instrument, the licensee shall deposit the cash or instrument within two banking days after receipt, in an established, separate noninterest-bearing trust account in any bank located in North Carolina. The trust account funds under this section shall not be commingled with other operating funds.”

14. N.C. Gen. Stat. § 58-71-170 provides that “whenever the Commissioner considers it prudent, the Commissioner shall visit and examine or cause to be visited and examined by a competent person appointed by the Commissioner for that purpose any professional bail bondsman, surety bondsman, or runner subject to this Article. For this purpose the Commissioner or person making the examination shall have free access to all records of the licensee that relate to the licensee’s business and to the records kept by any of the licensee’s agents.”

15. Pursuant to N.C. Gen. Stat. § 58-71-80, the Commissioner may deny, place on probation, suspend, revoke, or refuse to renew any license issued under this Article for any of the following reasons:

- a. For any cause sufficient to deny, suspend, or revoke the license under any other provision of this Article. *See* N.C. Gen. Stat. § 58-71-80(a)(1).
- b. A conviction of any misdemeanor committed in the course of dealings under the license issued by the Commissioner. *See* N.C. Gen. Stat. § 58-71-80(a)(2).
- c. Misappropriation, conversion or unlawful withholding of moneys belonging to insurers or others and received in the conduct of business under the license. *See* N.C. Gen. Stat. § 58-71-80(a)(4).
- d. Fraudulent, coercive, or dishonest practices in the conduct of business or demonstrating incompetence, untrustworthiness, or financial irresponsibility in the conduct of business in this State or any other jurisdiction. *See* N.C. Gen. Stat. § 58-71-80(a)(5).
- e. Failure to comply with or violation of the provisions of this Article or of any order, subpoena, rule or regulation of the Commissioner or person with similar regulatory authority in another jurisdiction. *See* N.C. Gen. Stat. § 58-71-80(a)(7).

- f. When in the judgment of the Commissioner, the licensee has in the conduct of the licensee's affairs under the license, demonstrated incompetency, financial irresponsibility, or untrustworthiness; or that the licensee is no longer in good faith carrying on the bail bond business; or that the licensee is guilty of rebating, or offering to rebate, or offering to divide the premiums received for the bond. *See* N.C. Gen. Stat. § 58-71-80(a)(8).
- g. Violation of (i) any law governing bail bonding or insurance in this State or any other jurisdiction or (ii) any rule of the Financial Industry Regulatory Authority (FINRA). *See* N.C. Gen. Stat. § 58-71-80(a)(14b).

### Fowler Allegations

16. According to the information contained on the Appearance Bond for Pretrial Release, Ms. Easley was the agent that wrote the bond for Aisha Fowler, and that collected a premium and cash collateral from her sister, Tametria Fowler. Further, the Respondent testified that he was present at the time the bond was written, but that Ms. Easley collected the collateral and premium. Thus the Petitioner has failed to show by a preponderance of the evidence that the Respondent violated:

- a. N.C. Gen. Stat. § 58-71-100(a) by failing to provide Aisha Fowler a receipt after collecting \$500.00 in collateral.
- b. N.C. Gen. Stat. § 58-71-95(5) by collecting collateral in the amount of \$500.00.
- c. Administrative Rule 11 NCAC 13.0512(a) by collecting premium and collateral in excess of that allowed by law.
- d. N.C. Gen. Stat. § 58-71-95(5) by failing to return a defendant's collateral within 10 days after the criminal case was disposed as the Respondent was not the agent who wrote the bond or collected the premium and collateral.

17. Further, although Mr. Bryant testified that it is the Department's policy that a bondsman "dropping bonds" for another bondsman is not an acceptable practice, there is no statute in Article 71 of Chapter 58 of the N.C. General Statutes, or any administrative rules enacted pursuant to that Article, that prohibits one bondsman from "dropping a bond" for another. Therefore, in the absence of any legal

basis a licensee engaging in this practice cannot be used as the grounds for disciplinary action.

18. Therefore, the Petitioner has failed to show by a preponderance of the evidence that the Respondent violated N.C. Gen. Stat. § 58-71-80(a)(5)'s prohibition against "fraudulent, coercive, or dishonest practices in the conduct of business" by "dropping the bond" for Ms. Easley.

### **Hinton Allegations**

19. Pursuant to N.C. Gen. Stat. § 58-71-25, "[a]fter there has been a breach of the undertaking in a bail bond, the surety may surrender the defendant as provided in G.S. 15A-540."

20. Chapter 15A of the N.C. General Statutes ("Criminal Procedure Act") sets forth the statutory scheme for how criminal cases are handled in the state court system. Article 26 of that Chapter outlines the pretrial release process for criminal defendants, including the use of bail bonds.

21. The Criminal Procedure Act also sets forth the process for surrendering a defendant who has breached a condition of a bail bond, providing as follows:

(b) Surrender After Breach of Condition. – After there has been a breach of the conditions of a bail bond, a surety may surrender the defendant as provided in this subsection. A surety may arrest the defendant for the purpose of returning the defendant to the sheriff. After arresting a defendant, the surety may surrender the defendant to the sheriff of the county in which the defendant is bonded to appear or to the sheriff where the defendant was bonded. Alternatively, a surety may surrender a defendant who is already in the custody of any sheriff by appearing in person and informing the sheriff that the surety wishes to surrender the defendant. Before surrendering a defendant to a sheriff, the surety must provide the sheriff with a copy of the bail bond, forfeiture, or release order. Upon surrender of the defendant, the sheriff shall provide a receipt to the surety.

N.C. Gen. Stat. § 15A-540(b).

22. The statute goes on to state that "[a] surety may utilize the services and assistance of any surety bondsman, professional bondsman, or runner licensed under G.S. 58-71-40 to effect the arrest or surrender of a defendant under subsection (a) or (b) of this section." N.C. Gen. Stat. § 15A-540(d).

23. Furthermore, there is no statute in Article 71 of Chapter 58 of the N.C. General Statutes, or any administrative rules enacted pursuant to that Article, that prohibits the Respondent's arrest and surrender of Ms. Hinton on behalf of Mr. Sanders. And in fact, the arrest and surrender of Ms. Hinton was consistent with the process outlined in the Criminal Procedure Act. Therefore, in the absence of any legal basis a licensee engaging in this practice cannot be used as the grounds for disciplinary action.

24. Thus, the Petitioner has failed to show by a preponderance of the evidence that the Respondent violated N.C. Gen. Stat. § 58-71-80(a)(5) by procuring the arrest and surrender of Ms. Hinton on behalf of Mr. Sanders.

### **Failure to Report Allegations**

25. The Respondent pled guilty and was convicted on charges of (M) Resist, Delay and Obstruct (15 CRS 53357) and (M) 2nd Degree Trespass (15 CRS 53117) in Lee County, which were as a result of the Respondent's actions while acting in the course of bail bond business under his license.

26. The Respondent admitted that he failed to report his convictions to the Department and testified that he erroneously believed that only felony convictions were required to be reported to the Department.

27. An ancient maxim of the law – *ignorantia juris non excusat*, or ignorance of the law does not excuse – is applicable here. In other words, as a licensed surety bondsman, the Respondent is presumed to know the laws by which he is regulated by the Department. Therefore, his erroneous belief that he was only required to report felony convictions does not excuse his behavior.

28. The Petitioner has shown by a preponderance of the evidence that the Respondent violated N.C. Gen. Stat. § 58-2-69 by failing to notify the Commissioner in writing within ten (10) days after the date of the Lee County convictions of (M) Resist, Delay and Obstruct (15 CRS 53357) and (M) 2nd Degree Trespass (15 CRS 53117).

### **Miscellaneous Allegations**

29. As noted above, Ms. Easley was the agent that wrote the bond for Aisha Fowler. Further, the Respondent testified that he was present at the time the bond was written, but that Ms. Easley collected the collateral and premium.

30. On February 12, 2019, the Respondent informed Mr. Bryant in a telephone call that he did not have all of the documentation related to the bond

written in Franklin County file number numbers 16 CR 702759 and 16 CR 702760 because he “dropped the bond for another agent who surrendered their license and moved out of state.”

31. As a result, the Petitioner has failed to show by a preponderance of the evidence that the Respondent violated N.C. Gen. Stat. §§ 58-2-195(a) or 58-71-170 by failing to provide documentation in the Respondent’s possession related to the bond written in Franklin County file number numbers 16 CR 702759 and 16 CR 702760 for examination.

32. However, the Petitioner has shown by a preponderance of the evidence that the Respondent violated the spirit of N.C. Gen. Stat. §§ 58-2-195(a) and 58-71-170 by, after receiving the December 14, 2018 and January 9, 2019, emails from Steve Bryant, not providing a written response to such requests within ten (10) days.

33. Further, the Petitioner has shown by a preponderance of the evidence that the Respondent violated N.C. Gen. Stat. §§ 58-71-40(d) and 58-71-45 when he failed to return his identification card within ten (10) working days after he failed to renew his license and his license terminated on September 30, 2020.

34. On balance, after consideration of all testimonial and documentary evidence in this case, the Respondent’s actions do not rise to the level to warrant revocation of his license pursuant to N.C. Gen. Stat. § 58-71-80(a).

35. However, as a result of his actions, the Respondent shall be placed on probation pursuant to N.C. Gen. Stat. § 58-71-80(a), and he shall be issued a fine pursuant to N.C. Gen. Stat. § 58-2-70(c).

### **ORDER**

Based upon the foregoing Findings of Fact and Conclusions of Law, it is ORDERED as follows:

1. If he desires to be licensed as a surety bondsman, the Respondent shall complete his application for renewal of his license pursuant to the requirements of Article 71 of Chapter 58 of the N.C. General Statutes. Such application shall be completed within 90 days of the entry of this Order.

2. The Respondent’s license shall be placed on Probation for a period of one (1) year (“Probationary Term”), the terms of which are as follows:

a. The Respondent shall comply with all applicable provisions of Chapter 58 of the N.C. General Statutes and the administrative

rules contained in Title 11 of the N.C. Administrative Code.

- b. The Respondent shall, during the Probationary Term, furnish a report to the Department in writing no later than the 15<sup>th</sup> day of each calendar month a description of all bail bonds that he has written and for which a surety company is still liable as of the first day of each month. The report shall contain the following information:
  - i. Each individual bonded;
  - ii. The date the bond was given;
  - iii. The principal sum of the bond;
  - iv. The court file or docket number for the principal's court obligation;
  - v. The fee charged for the bonding service in each instance; and
  - vi. The certificate seal number for each bond issued.

3. Further, in accordance with N.C. Gen. Stat. § 58-2-70(c), the Respondent is ordered to pay a monetary penalty of \$500.00. Such penalty shall be paid to the Department prior to the submission of the Respondent's application for licensure or within 90 days of the entry of this Order, whichever is sooner.

4. Failure to comply with any of the terms of this Probation constitutes a violation of an order of the N.C. Commissioner of Insurance and may result in the revocation of the Respondent's license in accordance with N.C. Gen. Stat. § 58-71-80(a)(7).

### APPEAL RIGHTS

This is a Final Agency Decision issued under the authority of N.C. Gen. Stat. § 150B, Article 3A.

Under the provisions of N.C. Gen. Stat. § 150B-45, any party wishing to appeal a final decision of the North Carolina Department of Insurance must file a Petition for Judicial Review in the Superior Court of the County where the person aggrieved by the administrative decision resides, or in the case of a person residing outside the State, the county where the contested case which resulted in the final decision was filed. The appealing party must file the petition within 30 days after being served with a written copy of the Order and Final Agency Decision. In conformity with the 11 NCAC 1.0413 and N.C.G.S. § 1A-1, Rule 5, this Order and Final Agency Decision was served on the parties on the date it was placed in the mail as indicated by the date on the Certificate of Service attached to this Order and Final Agency Decision.

N.C. Gen. Stat. § 150B-46 describes the contents of the Petition and requires service of the Petition on all parties. The mailing address to be used for service on the Department of Insurance is: **A. John Hoomani, General Counsel, 1201 Mail Service Center, Raleigh, NC 27699-1201.**

This the 21<sup>st</sup> day of October, 2021.



A. John Hoomani  
Hearing Officer

**CERTIFICATE OF SERVICE**

**I HEREBY CERTIFY** that I have this day served the foregoing **ORDER AND FINAL AGENCY DECISION** by mailing a copy of the same via certified U.S. mail, return receipt requested; via first class U.S. mail to the licensee at the address provided to the Commissioner pursuant to N.C. Gen. Stat. § 58-2-69(b); and via State Courier to Attorney for Petitioner, addressed as follows:

Mark Key  
206 W. Front Street  
Lillington, NC 27546  
*(Attorney for Respondent)*

CERTIFIED MAIL TRACKING: 70200640000031857814

Heather H. Freeman  
Assistant Attorney General  
N.C. Department of Justice  
Insurance Section  
9001 Mail Service Center  
Raleigh, NC 27699-9001  
*(Attorney for Petitioner)*

This the 21<sup>st</sup> day of October, 2021.

  
Mary Faulkner  
Paralegal II  
N.C. Department of Insurance  
General Counsel's Office  
1201 Mail Service Center  
Raleigh, NC 27699-1201