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NORTH CAROLINA DEPARTMENT OF INSURANCE
RALEIGH, NORTH CAROLINA

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STATE OF NORTH CAROLINA
COUNTY OF WAKE

BEFORE THE
COMMISSIONER OF INSURANCE

IN THE MATTER OF:

THE LICENSURE OF
ROLAND MELVIN LOFTIN, JR.

(NPN 8392529)

Respondent.

CONSENT ORDER AND
FINAL AGENCY DECISION
Docket Number: 1765

THIS CAUSE came on to be heard before the undersigned Hearing Officer, as designated by the Commissioner of Insurance pursuant to N. C. Gen. Stat. § 58-2-55.

1. The Bail Bond Regulatory Division of the North Carolina Department of Insurance ("Petitioner"), was represented by Daniel S. Johnson, Special Deputy Attorney General.

2. Respondent Roland Melvin Loftin, Jr. ("Respondent") was represented by Christopher J. Blake of Nelson Mullins Riley & Scarborough, LLP.

3. And it appearing to the undersigned Hearing Officer that Respondent currently holds a surety bail bondsman license issued by the Department of Insurance.

4. And it appearing to the undersigned Hearing Officer that Respondent formerly held a certificate of authority as an instructor for bail bonding professional education courses. Respondent voluntarily turned in that certificate before any administrative action or proceeding was instituted against it.

5. And it appearing to the undersigned Hearing Officer that Respondent formerly held a professional bail bondsman license issued by the Department of Insurance which has lapsed.

6. And it appearing to the undersigned Hearing Officer that Respondent formerly held

a bail bond runner license issued by the Department of Insurance which has lapsed.

7. And it appearing to the undersigned Hearing Officer that Petitioner contends in the Notice of Hearing that Respondent's licenses should be revoked pursuant to N.C. Gen. Stat. § 58-71-80(a)(7) which provides that the Commissioner may place on probation, suspend, revoke, or refuse to renew any license issued under Chapter 58, Article 71 of the General Statutes for failing to comply with or violating the provisions of Chapter 58, Article 71 of the North Carolina General Statutes or of any order, rule, or regulation of the Commissioner.

8. And it appearing to the undersigned Hearing Officer that Petitioner contends in the Notice of Hearing that Respondent's licenses should be revoked pursuant to N.C. Gen. Stat. § 58-71-80(a)(8) which provides that the Commissioner may place on probation, suspend, revoke, or refuse to renew any license issued under Chapter 58, Article 71 of the General Statutes 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.

9. And it appearing to the undersigned Hearing Officer that Petitioner contends in the Notice of Hearing that Respondent's licenses should be revoked pursuant to N.C. Gen. Stat. § 58-71-80(a)(3), which provides that the Commissioner may place on probation, suspend, revoke, or refuse to renew any license issued under Chapter 58, Article 71 of the General Statutes for material misstatement, misrepresentation or fraud in obtaining the license.

10. And it appearing to the undersigned Hearing Officer that Petitioner contends in the Notice of Hearing that Respondent's licenses should be revoked pursuant to N.C. Gen. Stat. § 58-71-80(a)(4), which provides that the Commissioner may place on probation, suspend, revoke, or refuse to renew any license issued under Chapter 58, Article 71 of the General Statutes for

misappropriation, conversion or unlawful withholding of moneys belonging to insurers or others and received in the conduct of business under the license.

11. And it appearing to the undersigned Hearing Officer that under N.C. Gen. Stat §58-71-82, if 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 under Article 71 of Chapter 58 of the North Carolina General Statutes.

12. And it appearing to the undersigned Hearing Officer that Respondent denies all of Petitioner's allegations of statutory and regulatory violations set out in the Notice of Hearing, and denies that any license or certificate held by Respondent should be placed on probation, suspended, revoked, or non-renewed based on the allegations of the Notice of Hearing.

13. And it appearing to the undersigned Hearing Officer that in addition to probation, suspension or revocation of Respondent's licenses or certificates, monetary penalties may be imposed on the Respondent pursuant to N.C. Gen. Stat. § 58-2-70.

14. And it appearing to the undersigned Hearing Officer that the parties have reached a mutually agreeable resolution of the allegations of the Notice of Hearing as set out in this Consent Order in order to avoid the risk and uncertainty of going forward with a hearing in this matter.

15. And it appearing to the undersigned Hearing Officer that Respondent enters into this Consent Order freely and voluntarily and with the assistance of legal counsel of his choice, and without admitting any liability.

16. And it appearing to the undersigned Hearing Officer that Respondent and counsel for Respondent both certify that Respondent's signature on this Consent Order was written and

placed hereon by Respondent himself and is Respondent's genuine signature.

IT IS, THEREFORE, BASED UPON THE MUTUAL AGREEMENT OF THE PARTIES,
ORDERED AS FOLLOWS:

1. Respondent shall retain his surety bail bondsman's license, subject to the standard conditions and requirements of licensure, including standard license renewal and continuing education requirements. Respondent's surety bail bondsman's license shall also be subject to the special terms and conditions of probation set forth in this Consent Order.
2. Respondent shall not allow any other person to sign or execute or complete, in whole or in part, any surety bail bond that purports to be a bail bond for which Respondent is acting as a surety bail bondsman.
3. Respondent will at no time in the future apply to the Department of Insurance for a license as a professional bail bondsman.
4. Respondent will at no time in the future apply to the Department of Insurance for a license as a bail bond runner.
5. Respondent may, no sooner than July 1, 2018, apply for a certificate of authority to be an instructor for bail bonding professional education courses.
6. Respondent is hereby placed on PROBATION for a period of twenty-four (24) months on the following terms and conditions:
 - a. 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 surety bail bondsmen.
 - b. Respondent shall submit in writing, each month, a written report of the

surety bail bonds written or executed by him during the preceding calendar month on behalf of any bail surety insurer. Each such report shall include all surety bail bonds written or executed during the preceding calendar month, whether or not such bail bond is still outstanding at the end of the preceding calendar month. A written report shall be due each month even if no bail bonds are written in the preceding calendar month.

- c. Respondent's surety bail bond reports shall be received monthly by the Department of Insurance on or before fifteen days after the last day of the preceding month.
- d. Respondent's first written report of the surety bail bonds written or executed by him during the preceding calendar month is due on or before August 15, 2017 for the month of July, 2017.
- e. If Respondent successfully completes his twenty-four month probation, his twenty-fourth and last surety bail bond monthly report (June, 2019) shall be received no later than July 15, 2019.
- f. Respondent's monthly surety bail bond report shall include, for each surety bail bond, the date the surety bail bond was written or executed, the full name of the principal as shown on each surety bail bond, the amount of each surety bail bond, the amount of premium promised for each surety bail bond, the premium actually received for each surety bail bond, the name of the bail surety insurer for each surety bail bond, receipt number(s), the serial numbers of all powers of attorney used for each surety bail bond, a full

description of any collateral obtained from any person related to each surety bail bond, and the Court file information, including County and court file number, for each surety bail bond.

- g. Respondent shall expressly certify, by signing, under oath, the accuracy of each monthly surety bail bond report as follows: "I, Roland Melvin Loflin, Jr. hereby certify under oath that this Monthly Surety Bail Bond Report is complete and accurate." Respondent shall sign and certify each monthly surety bail bond report personally and may not delegate this signing and certification obligation to any other person. Respondent's signature on each monthly report shall be notarized.
- h. Respondent shall comply with all e-mailed requests by the Department of Insurance for documentation regarding his surety bail bond business within five business days after the date of each request for documentation.

7. Respondent shall remit a civil monetary penalty in the amount of \$40,000.00 to the North Carolina Department of Insurance. The civil monetary penalty shall be paid by attorney trust account check or official bank check made out to the "North Carolina Department of Insurance." The check shall be delivered to the Department on or before September 15, 2017. The civil monetary 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. The Department of Insurance has agreed that the civil monetary penalty outlined herein can be paid by Respondent from funds returned to Respondent from a deposit account maintained at US Bank for the benefit of the Department of Insurance.

8. Respondent shall, no later than September 15, 2017, reimburse the North Carolina Department of Insurance for a portion of its costs of investigation in the amount of \$10,000.00. This partial reimbursement of costs of investigation shall be paid by attorney trust account check or official bank check made out to the "North Carolina Department of Insurance." The reimbursement check shall be a separate check from the check for the civil monetary penalty referred to above. The Department of Insurance has agreed that the reimbursement outlined herein can be paid by Respondent from funds returned to Respondent from a deposit account maintained at US Bank for the benefit of the Department of Insurance.

9. Respondent shall at all times keep the Department of Insurance advised of his then-current business address, business telephone number and business e-mail address. Respondent shall immediately inform the Department of Insurance of any changes to this business contact information.

10. Both during the period of probation and at all times thereafter that he shall hold a surety bail bondsman license, 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 surety bail bondsmen.

11. This Consent Order constitutes a complete settlement of all administrative penalties against Respondent for the acts, policies or practices expressly addressed in this contested case proceeding. Except as to the acts, policies or practices expressly addressed in this Consent Order resolving the allegations contained in the Notice of Hearing, this Consent Order does not in any way affect the Department's disciplinary power in any future examination of Respondent, or in any other complaints involving Respondent. In the event that Respondent fails to comply with

this Consent Order or otherwise fails to 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, the Department may take any administrative or legal action it is authorized to take.

12. Pursuant to N. C. Gen. Stat. § 58-71-80(a)(7), Respondent's surety bail bondsman license may be revoked for violating any provision of this Order.

13. This Consent Order is 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 Consent Order. The Department is free to disclose the contents of this Consent Order to third parties upon request or pursuant to any law or policy providing for such disclosure.

14. This Consent Order shall be effective when signed by all parties and the Hearing Officer.

15. This Consent Order shall not affect the legal rights of third parties who are not parties to this proceeding.

This 10th day of July, 2017.




Sherril Hubbard
Hearing Officer
N.C. Department of Insurance
1201 Mail Service Center
Raleigh, NC 27699-1201

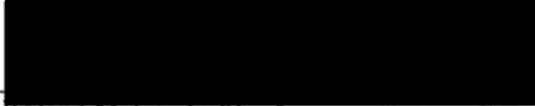
WE CONSENT:

N.C. DEPARTMENT OF INSURANCE

By:



Hasijé P. Harris
Senior Deputy Commissioner
Producers, Fraud and Products Group


RESPONDENT


Roland Melvin Loftin, Jr.
c/o Loftin's Bail Bonding
105 Green Street, E
Wilson, N.C. 27893-4007

JOSH STEIN
ATTORNEY GENERAL
Attorney for Petitioner

By:


Daniel S. Johnson
Special Deputy Attorney General
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Christopher J. Blake
Attorney for Respondent
Nelson Mullins Riley & Scarborough LLP
GlenLake One, Suite 200
4140 Parklake Avenue
Raleigh, North Carolina 27612
Telephone: (919) 329-3808

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I have served a copy of the foregoing Consent Order and Final Agency Decision by first class postage prepaid, addressed as follows:

Christopher J. Black, Esq.
Nelson Mullins Riley & Scarborough LLP
GlenLake One, Suite 200
4140 Parklake Avenue
Raleigh, North Carolina 27612

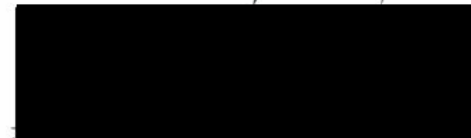
I HEREBY CERTIFY that I have served a copy of the foregoing Consent Order and Final Agency Decision by interoffice State Courier, addressed as follows:

Daniel S. Johnson, Esq.
North Carolina Department of Justice
Post Office Box 629
Raleigh, North Carolina 27602-0629

This the 11th day of July, 2017.

DEPARTMENT OF INSURANCE

By:



Tricia Ford
Paralegal
North Carolina Department of Insurance
1201 Mail Service Center
Raleigh, N.C. 27699-1201
Telephone: (919) 807-6091