

**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  
APPLICATION FOR LICENSURE OF  
CARLYRETTA MARTIN**

**VOLUNTARY SETTLEMENT  
AGREEMENT**

**NOW COME**, Carlyretta Martin (hereinafter "Ms. Martin") and the Bail Bond Regulatory Division (hereinafter "BBRD") of the North Carolina Department of Insurance (hereinafter "Department"), and hereby voluntarily and knowingly enter into the following Voluntary Settlement Agreement (hereinafter "this Agreement"):

**WHEREAS**, Ms. Martin has agreed to settle, compromise, and resolve the matters referenced in this Agreement on behalf of herself, and BBRD has agreed not to pursue additional civil ramifications; including penalties, sanctions, remedies or restitution based on these matters against Ms. Martin; and

**WHEREAS**, BBRD and the Department have the authority and responsibility for enforcement of the insurance laws of this State, and for regulating and licensing bail bondsmen; and

**WHEREAS**, pursuant to N.C. Gen. Stat. § 58-71-80(a)(3), the Commissioner may deny, suspend, revoke, or refuse to renew any license under Article 71 of Chapter 58 of the North Carolina General Statutes for material misstatement, misrepresentation or fraud in obtaining the license; and

**WHEREAS**, pursuant to N.C. Gen. Stat. § 58-71-80(a)(6), the Commissioner may deny, suspend, revoke, or refuse to renew any license under Article 71 of Chapter 58 of the North Carolina General Statutes for conviction of a crime involving dishonesty or breach of trust; and

**WHEREAS**, on or about September 28, 2020, Ms. Martin submitted an application for a surety bail bonds license (hereinafter, "Application") to the Department through its third party processing agent, Pearson Vue; and

**WHEREAS**, on the Application, Ms. Martin answered "No" to screening question "3a" which asked, "Have you ever been convicted of a crime (Felony, Misdemeanor, and Traffic convictions), whether or not adjudication was withheld (including any Prayer for Judgments 'PJC')?"; and

**WHEREAS**, on or about February 18, 1999, Ms. Martin was convicted of misdemeanor larceny in Transylvania County File No. 98 CR 003483; and

**WHEREAS**, Ms. Martin's answer of "No" to the screening question 3a regarding her criminal history is a material misstatement or misrepresentation, and cause for denial of her license under N.C. Gen. Stat. § 58-71-80(a)(3); and

**WHEREAS**, Ms. Martin's conviction for misdemeanor larceny is a conviction of a crime

involving dishonesty or breach of trust for which her license may be denied pursuant to N.C. Gen. Stat. § 58-71-80(a)(6); and

**WHEREAS**, following receipt of Ms. Martin's application, BBRD denied the application for Ms. Martin's incorrect response to screening question 3a regarding her criminal background pursuant to N.C. Gen. Stat. § 58-71-80(a)(3), and also because this conviction constitutes a crime involving dishonesty or breach of trust pursuant to N.C. Gen. Stat. § 58-71-80(a)(6); and

**WHEREAS**, Ms. Martin participated in a denial review meeting with BBRD on or about March 3, 2021; and

**WHEREAS**, although BBRD has cause to deny Ms. Martin's license pursuant to N.C. Gen. Stat. §§ 58-71-80(a)(3) and 6) as set forth above, due to the length of time that has passed since Ms. Martin's 1999 conviction and the fact that it is a single misdemeanor conviction, BBRD has agreed to process Ms. Martin's application upon complete execution of this Agreement; and

**WHEREAS**, in lieu of an administrative hearing on the matters stated herein, Ms. Martin has agreed to settle, compromise, and resolve the matters referenced in this Agreement, and BBRD has agreed not to pursue additional penalties, sanctions, remedies, or restitution based on these matters against Ms. Martin; and

**WHEREAS**, pursuant to N.C. Gen. Stat. § 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 certificate or as to any civil penalty or restitution; and

**NOW, THEREFORE**, in consideration of the promises and agreements set out herein, the BBRD and Ms. Martin hereby agree to the following:

1. Immediately upon her signing of this document, Ms. Martin 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." Ms. Martin shall send the civil penalty by certified mail, return receipt requested, to the Department simultaneously with the return of this Agreement, signed by Ms. Martin. The civil penalty and the signed Agreement must be received by the Department no later than **October 8, 2021**. 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. Ms. Martin shall obey all laws and regulations applicable to all licenses issued to her.
3. Ms. Martin enters into this Agreement freely and voluntarily and with knowledge of her right to have an administrative hearing on this matter. Ms. Martin understands that she may consult with an attorney prior to entering into this Agreement.
4. This Agreement does not in any way affect the BBRD's or the Department's disciplinary power in any future follow-up examinations of Ms. Martin, or in any other cases or complaints involving Ms. Martin.

5. The parties to this Agreement agree that this Agreement shall have the full force and effect of an Order of the Commissioner. Ms. Martin understands that N. C. Gen. Stat. § 58-71-80(a)(7) provides that a surety bail bondsman's license may be revoked for violating an Order of the Commissioner.

6. 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.

7. Ms. Martin understands that this Agreement, when finalized, shall be considered a regulatory administrative action against her. Ms. Martin understands that she may be required to disclose this Agreement as a regulatory administrative action on future applications, renewal applications to the Department, or in response to other regulatory inquiries by the Department or other regulatory entities. Ms. Martin understands that she is solely responsible for accurately answering all questions on future license applications, renewal applications, and in response to inquiries by the Department and other regulating entities.

8. This 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 between BBRD and Ms. Martin shall become effective when signed by Ms. Martin and Marty Sumner, Senior Deputy Commissioner of the Fraud Control Group of the N.C. Department of Insurance.

9. Once the terms of this Agreement have been met, Ms. Martin shall be allowed to take the licensing examination to become a Surety Bail Bondsman in North Carolina. Ms. Martin understands that she must meet all requirements of licensure, including but not limited to passing the surety bail bonds licensing examination, before a license will be issued to her by the Department.

**Bail Bond Regulatory Division**



By: Carlyretta Martin (



By: Marty Sumner  
Senior Deputy Commissioner  
Fraud Control Group

Date: 10-05-2021

Date: 10/27/21