

**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 JOHNNIE D. McLAUGHLIN**

**VOLUNTARY SETTLEMENT
AGREEMENT**

NOW COME, Johnnie D. McLaughlin (hereinafter "Mr. McLaughlin") and the North Carolina Department of Insurance (hereinafter "Department"), and hereby voluntarily and knowingly enter into the following Voluntary Settlement Agreement (hereinafter "this Agreement"):

WHEREAS, the Department 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. § 58-71-80(a)(7), 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 failure to comply with or violation of the provisions of Article 71 of Chapter 58 of the North Carolina General Statutes or of any order, rule or regulation of the Commissioner; and

WHEREAS, N.C. Gen. Stat. § 58-71-40 (a) and (b) provide that no person shall act in the capacity of a surety bondsman unless qualified and licensed, and the Commissioner may propound any reasonable interrogatories about the applicant's qualifications and any other matters the Commissioner considers necessary to protect the public and ascertain the qualifications of the applicant and conduct a reasonable inquiry or investigation relative to the determination of the applicant's fitness to be licensed or to continue to be licenses; 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, Mr. McLaughlin applied for a surety bail bond license on June 21, 2018;
and

WHEREAS, Mr. McLaughlin answered "No" to the question on the application: "Have you ever been convicted, or are you currently charged with, committing a crime, whether or not adjudication was withheld?"; and

WHEREAS, on or about February 17, 1993 Mr. McLaughlin was found guilty on one count of Misdemeanor Possess Marijuana up to ½ oz., and one count of Maintain Vehicle/Dwell/Place/Controlled Substance (Burke County NC, File # 93CR 000048); and

WHEREAS, violations of N.C. Gen. Stat. § 58-71-80 (a) (3) constitutes grounds for denying Mr. McLaughlin's application for licensure; and

WHEREAS, the Department denied Mr. McLaughlin's application on September 7, 2018; and

WHEREAS, Mr. McLaughlin requested a review of the Department's action of denial of his license application in writing on September 10, 2018; and

WHEREAS, the Department scheduled a review of its denial of Mr. McLaughlin's application for a surety bail bondsman's license for October 18, 2018; and


WHEREAS, Mr. McLaughlin agreed on October 18, 2018 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


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

1. Immediately upon his signing of this document, Mr. McLaughlin 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." Mr. McLaughlin shall send the civil penalty by certified mail, return receipt requested, to the Department simultaneously with the return of this Agreement, signed by Mr. McLaughlin. The civil penalty and the signed Agreement must be received by the Department no later than **November 23, 2018**. 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 Mr. McLaughlin's application for licensure as a surety bail bondsman and will issue Mr. McLaughlin a surety bondsman's license upon receipt of Mr. McLaughlin'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. Mr. McLaughlin shall obey all laws and regulations applicable to all licenses issued to him.

4. Mr. McLaughlin enters into this Agreement freely and voluntarily and with knowledge of his right to have an administrative hearing on this matter. Mr. McLaughlin understands that he may consult with an attorney 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 Mr. McLaughlin, or in any other cases or complaints involving Mr. McLaughlin.
6. The parties to this Agreement agree that this Agreement shall have the full force and effect of an Order of the Commissioner. Mr. McLaughlin 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 Mr. McLaughlin and the Department.

N.C. Department of Insurance


By: **Johanne D. McLaughlin**
Applicant


By: **Marty Sumner**
Deputy Commissioner

Date: 10-22-2018

Date: 11/5/18