

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 BRIAN N. MCQUEEN

VOLUNTARY SETTLEMENT
AGREEMENT

NOW COME Brian N. McQueen (hereinafter "McQueen") 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, McQueen holds an active license as a bail bond runner issued by the Department; and

WHEREAS, McQueen was licensed by the Department as a surety bail bondsman from March 6, 2006 until June 30, 2007; and

WHEREAS, N.C. Gen. Stat. § 58-71-40 states that 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 Chapter 58, Article 71 of the North Carolina General Statutes unless that person is qualified and licensed under Chapter 58, Article 71 of the North Carolina General Statutes; and

WHEREAS, N.C. Gen. Stat. § 58-71-45 states that a license of a bail bondsman and a license of a runner shall be renewed on July 1 of each year upon payment of the

applicable renewal fee under N.C. Gen. Stat. § 58-71-75.; and

WHEREAS, McQueen's surety bail bondsman license expired on June 30, 2007 when he failed to pay the applicable renewal fee; and

WHEREAS, McQueen wrote eleven (11) surety bonds after his surety bail bondsman license expired, between July 1, 2007 and August 23, 2007 in violation of N.C. Gen. Stat. § 58-71-40; and

WHEREAS, McQueen's violation of N.C. Gen. Stat. § 58-71-40 demonstrates a failure to comply with and/or a violation of the provisions of Article 71 of Chapter 58 of the North Carolina General Statutes for which McQueen's bail bond runner license could be revoked pursuant to N.C. Gen. Stat. §§ 58-71-80(a)(7) and 58-71-80(a)(15); and

WHEREAS, in lieu of an administrative hearing on the matters stated herein, McQueen has agreed to settle, compromise, and resolve the matters referenced in this Agreement, and the Department has agreed not to pursue additional penalties, sanctions, remedies, or restitution based on these matters against McQueen; 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 Department and McQueen hereby agree to the following:

1. Immediately upon his signing of this document, McQueen shall pay a **civil penalty of \$ 1,100.00** to the Department. The form of payment shall be in a certified check, cashiers 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." McQueen shall send the civil penalty by certified mail, return receipt requested, to the Department simultaneously with the return of this Agreement, signed by McQueen. The civil penalty and the signed Agreement must be received by the Department no later than **August 18, 2008**. 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. McQueen shall obey all laws and regulations applicable to all licenses issued to him.
3. McQueen enters into this Agreement freely and voluntarily and with knowledge of his right to have an administrative hearing on this matter. McQueen understands that he may consult with an attorney prior to entering into this Agreement.
4. This Agreement does not in any way affect the Department's disciplinary power in any future follow-up examinations of McQueen, or in any other cases or complaints involving McQueen.
5. The parties to this Agreement agree that this Agreement shall have the full force and effect of an Order of the Commissioner. McQueen understands that N. C. Gen. Stat. § 58-71-80(a)(7) provides that a bail bond runner'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. 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 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. This Settlement Agreement shall become effective when signed by McQueen and the Department.

This the 27 day of July, 2008.

North Carolina Department of Insurance

By: _____

Brian N. McQueen

By: _____

Angela Ford

Senior Deputy Commissioner

8-4-08