

Book

NORTH CAROLINA DEPARTMENT OF INSURANCE
RALEIGH, NORTH CAROLINA

STATE OF NORTH CAROLINA
COUNTY OF WAKE

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A.S. - N.C.D.O.I.

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BEFORE THE COMMISSIONER
OF INSURANCE

IN THE MATTER OF THE LICENSURE
OF CHARLES MOORE III

VOLUNTARY SETTLEMENT
AGREEMENT

NOW COME Charles Moore III (hereinafter "Moore") 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, Moore holds an active license as a surety bondsman issued by the Department; and

WHEREAS, the Department received a complaint that Moore improperly surrendered two defendants, Mr. White and Mr. Roseborough; and

WHEREAS, the Department subsequently investigated these allegations; and

WHEREAS, the Department subsequently found evidence that Moore had violated several insurance laws pertaining to bail bondsmen; and

WHEREAS, on March 28, 2006, Moore wrote a bond for Mr. White; and

WHEREAS, in violation of **N.C.G.S. § 58-71-80(8)**, Moore demonstrated incompetency, financial irresponsibility, and untrustworthiness by surrendering Mr. White on October 26, 2006 for non-payment of premium after accepting additional payments on the bond without creating a new repayment agreement; and

WHEREAS, on December 27, 2005, Moore wrote a bond for Mr. Roseborough; and

WHEREAS, in violation of **N.C.G.S. § 58-71-80(8)**, Moore demonstrated incompetency, financial irresponsibility, and untrustworthiness by surrendering Mr. Roseborough on

April 24, 2006 for non-payment of premium after accepting additional payments on the bond without creating a new repayment agreement; and

WHEREAS, in violation of **N.C.G.S. 58-71-95(5)** and **N.C.G.S. § 58-71-80(8)**, Moore failed to meet the terms of the original repayment agreements and over-collateralized bonds for both Mr. White and Mr. Roseborough by improperly using several indemnity agreements, and thereby demonstrating financial irresponsibility and untrustworthiness; and

WHEREAS, by failing to meet the terms of the original repayment agreements, over-collateralizing bonds, and wrongfully surrendering Mr. White and Mr. Roseborough, Moore acted in violation of **N.C. Gen. Stat. § 58-71-80(a)(4)** by misappropriating and conversion of moneys belonging to Mr. White and Mr. Roseborough that were received by Moore in the conduct of business under Moore's license; and

WHEREAS, pursuant to N.C. Gen. Stat. § 58-71-80(a), Moore's violation of the above laws is sufficient grounds for the Department to institute proceedings to revoke his license; and

WHEREAS, in lieu of an administrative hearing on the matters stated herein, Moore 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 Moore; and

WHEREAS, pursuant to N.C.G.S. § 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 exchange for the consideration of the promises and agreements set out herein, the Department and Moore hereby agree to the following:

1. Immediately upon his signing of this document, Moore shall pay a **civil penalty of \$750.00** 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." Moore shall send the civil penalty by certified mail, return receipt requested, to the Department simultaneously with the return of this Agreement, signed by Moore. The civil penalty and the signed Agreement must be received by the Department no later than **February 15, 2008**.
2. Moore shall obey all laws and regulations applicable to a licensed bail bondsman.

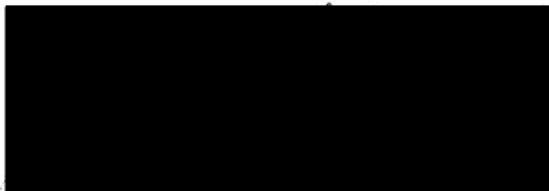
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3. Moore enters into this Agreement freely and voluntarily and with knowledge of his right to have an administrative hearing on this matter. Moore understands that he may consult with an attorney prior to entering into this Agreement.
4. This Agreement does not in any way affect the Department's disciplinary power in any future follow-up examinations of Moore, or in any other cases or complaints involving Moore.
5. The parties to this Agreement agree that this Agreement shall have the full force and effect of an Order of the Commissioner. Moore understands that N. C. Gen. Stat. § 58-71-80(a)(7) provides that a bail bondsman's license may be revoked for violating an Order of the Commissioner.
6. The parties have read and understand this Agreement and agree to abide by the terms and conditions stated herein.
7. 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 with 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.

This the 6 day of 2, 2008.

North Carolina Department of Insurance



Charles Moore III

By: _____



Angela Ford
Senior Deputy Commissioner

2-19-08