

NORTH CAROLINA DEPARTMENT OF INSURANCE  
RALEIGH, NORTH CAROLINA

STATE OF NORTH CAROLINA

BEFORE THE COMMISSIONER  
OF INSURANCE

COUNTY OF WAKE

IN THE MATTER OF  
THE LICENSURE OF  
MORRIS MOYE, JR.

CONSENT ORDER

Docket Number: 1358

THIS CAUSE came on to be heard by the undersigned Hearing Officer of the North Carolina Department of Insurance; and

WHEREAS the Commissioner of Insurance of the State of North Carolina (hereinafter "Commissioner") is a duly authorized and elected official of the State of North Carolina, having the authority and responsibility for the enforcement of the insurance laws of the State; and

WHEREAS this administrative proceeding was instituted by the North Carolina Department of Insurance (hereinafter "NCDOI") with a February 26, 2007, Notice of Administrative Hearing by reason of Respondent Morris Moye's (hereinafter "Respondent") alleged violations of provisions of the North Carolina General Statutes and of the North Carolina Administrative Code relating to bondsmen; and

WHEREAS Respondent and NCDOI have reached a mutually-agreeable resolution of this proceeding as set out in this Consent Order; and

WHEREAS THE PARTIES STIPULATE AND AGREE TO THE FOLLOWING FINDINGS OF FACT:

FINDINGS OF FACT

1. A Notice of Administrative Hearing was served upon Respondent on February 27, 2007.
2. Respondent holds an active surety and professional bondsman license issued by NCDOI.
3. Respondent is the owner of 1<sup>st</sup> Choice Bail Bonding, Inc. and Respondent has controlled the business activities of 1<sup>st</sup> Choice Bail Bonding, Inc. at all times relevant herein.

4. On July 31, 2004, Debbie Gardner executed a security agreement, suretyship, and confession of judgment (hereinafter "Security Agreement form") with Respondent to secure an appearance bond for the pretrial release of Robert Parker in the amount of \$1,000.00.

5. Respondent routinely utilized the above Security Agreement form in the conduct of business.

6. This Security Agreement form was not approved by NCDOI under 11 NCAC 13.0512(f).

7. In the notice of administrative hearing, NCDOI alleged that Respondent violated N.C. Gen. Stat. §§ 58-71-80(a)(5) and 58-71-80(a)(8) by unlawfully constructing a subsequent Security Agreement for Robert Parker's subsequent, unrelated August 2, 2004, criminal charge. Respondent denied the allegations that he unlawfully constructed a separate Security Agreement for Robert Parker's subsequent August 2, 2004, criminal charge.

8. NCDOI agrees to take a voluntary dismissal of its allegations that Respondent violated N.C. Gen. Stat. §§ 58-71-80(a)(5) and 58-71-80(a)(8) by unlawfully constructing a separate Security Agreement for Robert Parker's new August 2, 2004, criminal charge.

BASED UPON the foregoing Findings of Fact, the undersigned Hearing Officer makes the following:

#### CONCLUSIONS OF LAW

1. Notice in this matter was timely and properly effected.
2. This matter is properly before the Commissioner, and he has jurisdiction over the parties and the subject matter pursuant to Article 28 of Chapter 58 of the General Statutes of North Carolina.
3. N.C. Gen. Stat. § 58-71-80(a)(7) provides that the Commissioner may revoke or suspend a surety or professional bondsman license for "Failure to comply with or violation of the provisions of . . . any . . . rule or regulation of the Commissioner."
4. Respondent's use of the above Security Agreement form without NCDOI's approval violated 11 NCAC 13.0512(f), which provides that "All agreements and contracts with defendants or anyone on behalf of the defendant, shall have a form number and the license number of the bail bondsman printed thereon and must be submitted to NCDOI for approval. No such agreements or contracts shall be used by the licensee until written final approval has been given by the Department."
5. Pursuant to N.C. Gen. Stat. § 58-2-70, in lieu of or in addition to revoking or suspending Respondent's surety bondsman license, the Commissioner may order a monetary

penalty. If imposed, the monetary penalty for each individual violation may not be less than one hundred dollars and not more than one thousand dollars.

6. It appears to the undersigned Hearing Officer that Respondent should be allowed to maintain his surety and professional bondsman license in an active status.

7. It appears to the undersigned Hearing Officer that under N.C. Gen. Stat. § 58-71-80(a)(7) and 11 NCAC 13.0512(f), Respondent should be ordered to pay a monetary penalty in the amount of \$750.00.

**IT IS THEREFORE, BY CONSENT, ORDERED** as follows:


1. Respondent shall seek and obtain the approval of the North Carolina Department of Insurance regarding any form that he utilizes as a written agreement or contract with a criminal defendant or anyone on behalf of a criminal defendant.

2. Pursuant to N.C. Gen. Stat. § 58-2-70, Respondent shall pay a monetary penalty to the North Carolina Department of Insurance in the amount of \$750.00.

3. Respondent shall obtain original signatures for each written agreement or contract that he or 1<sup>st</sup> Choice Bail Bonding, Inc. enters into with a criminal defendant or anyone on behalf of a criminal defendant.

4. Respondent shall not violate any other North Carolina surety or professional bondsman statutes, rules or regulations.

This 13<sup>th</sup> day of November 2007.

  
Stewart L. Johnson, Hearing Officer  
North Carolina Department of Insurance  
1201 Mail Service Center  
Raleigh, North Carolina 27699-1201

WE CONSENT:

  
Morris Moye

North Carolina Department of Insurance

By: 

Angela Ford  
Senior Deputy Commissioner  
Public Services Group

11-12-07