

**NORTH CAROLINA DEPARTMENT OF INSURANCE
RALEIGH, NORTH CAROLINA**

STATE OF NORTH CAROLINA

**BEFORE THE COMMISSIONER
OF INSURANCE**

COUNTY OF WAKE

AUG 14 2015

**IN THE MATTER OF
THE LICENSURE OF
JAMES L. PERKINS
NPN# 7844326**

**ORDER and FINAL
AGENCY DECISION**

Docket Number: 1778

This matter was heard on Wednesday, July 15, 2015, by the undersigned Hearing Officer, as designated by the Commissioner of Insurance pursuant to N.C. Gen. Stat. § 58-2-55. The administrative hearing was held in Room #3099 of the Dobbs Building, located at 430 North Salisbury Street, Raleigh, Wake County, North Carolina. Assistant Attorney General LaShawn S. Piquant represented the North Carolina Department of Insurance's Agent Services Division (hereinafter "Agent Services"). Respondent was not present at the hearing.

After careful consideration of the evidence and arguments presented, and based on the record as a whole, the undersigned Hearing Officer hereby makes the following Findings of Fact and Conclusions of Law:

Findings of Fact

1. The Notice of Administrative Hearing was properly served on Respondent pursuant to Rule 4 of the North Carolina Rules of Civil Procedure and N.C. Gen. Stat. § 58-2-69(d).
2. Respondent was issued a surety bail bondman license by Agent Services on or about July 1, 2014.
3. Respondent's license expired on June 30, 2015, prior to the hearing. As of the time of the hearing, Respondent did not renew his license. Agent Services allows for a fifteen (15) day grace period for renewals to be submitted before cancellation of a license for non-renewal.
4. Official court records from the Wake County Superior Court in Raleigh, North Carolina show that Respondent was convicted of several criminal offenses related to his capacity as a bail bondsman. On September 22, 2014, Respondent pled guilty to and was convicted of the following criminal offenses:
 - a) Accessing Government Computer Felony
 - b) Altering Court Records Felony
 - c) Misdemeanor Bail Bond Violation Misdemeanor

5. Respondent pled guilty to the felony charge of Accessing a Government Computer. The indictment charged that the Respondent “unlawfully, willfully, and feloniously causing a government computer of the Clerk of Court for Wake County, North Carolina to be accessed for the purposes of devising and executing a scheme and artifice to defraud, and obtaining property by means of a false and fraudulent pretenses and representation, by falsifying the electronic court records pertaining to several bail bonds forfeiture proceedings in pending criminal cases, thereby eliminating the obligation of the surety or fiduciary agent to pay the required bond. This act was done in violation of N.C.G.S. § 14-454.1.”
6. Respondent pled guilty to the felony charge of Altering Court Records. The indictment charged that the Respondent “unlawfully, willfully, and feloniously intentionally without lawful authority materially alter and change official case records by falsifying the electronic court records pertaining to several bail bond forfeiture proceedings in pending criminal cases, thereby eliminating the obligation of the surety or fiduciary agent to pay the required bond. This act was done in violation of N.C.G.S. § 14-221.2.”
7. Respondent pled guilty to the charge of Misdemeanor Bail Bond Violation. The indictment charged that the Respondent “unlawfully and willfully did while working as a bail bondsman, pay fees and give items of value to a public employee, Kelvin Ballentine of the Wake County Clerk of Court’s office, in order to secure the remissions of bail bond forfeitures. This was done in violation of N.C.G.S. § 58-71-95.”
8. At no time did Respondent advise Agent Services of his criminal convictions.
9. In letters dated March 2, 2015 and April 8, 2015, Agent Services contacted Respondent in writing regarding his guilty plea and resulting criminal convictions. In its correspondence, Agent Services advised Respondent of the applicability of N.C. Gen. Stat. § 58-71-80(b) which provides that “the Commissioner shall deny, revoke, or refuse to renew any license under this Article if the applicant or licensee is or has ever been convicted of a felony.”

Conclusions of Law

1. This matter is properly before the Commissioner, and the Commissioner has jurisdiction over the parties and the subject matter pursuant to N. C. Gen. Stat. §§ 58-71-80, 150B-38 and 150-40, as well as 11 N.C.A.C. 10401 et seq. and other applicable statutes and regulations.
2. Respondent was properly served with the Notice of Administrative Hearing.
3. Respondent pled guilty to and was convicted of felony charges of Accessing a Government Computer and Altering Court Records. Respondent pled guilty to

and was convicted of a misdemeanor charge of Bail Bond Violation while acting in the capacity of a licensed bail bondsman.

4. Respondent failed to provide Agent Services with timely notice of his felony convictions as required by N.C. Gen. Stat. § 58-2-69, which provides that “if a licensee is convicted in any court of competent jurisdiction for any crime or offense other than a motor vehicle infraction, the licensee shall notify the Commissioner in writing of the conviction within 10 days after the date of the conviction.”
5. Respondent’s felony convictions support the immediate revocation of his bail bondsman license as set out in N.C. Gen. Stat. §58-71-80(b), which provides “the Commissioner shall deny, revoke, or refuse to renew any license if the licensee is or has ever been convicted of a felony.”
6. Respondent’s felony convictions of Accessing Government Computer and Altering Court Records and misdemeanor conviction of a Bail Bond Violation, resulting from unlawful acts committed while acting in the capacity of a licensed bail bondsman, provide the Commissioner with substantial grounds to revoke his bail bondsman license pursuant to N.C. Gen. Stat. § 58-71-80(a)(5), (6), (7) and (8).
7. Respondent’s felony convictions of Accessing Government Computer and Altering Court Records and misdemeanor conviction of a Bail Bondman Violation, resulting from unlawful acts committed while acting in the capacity of a licensed bail bondsman, provide substantial grounds for revocation of his bail bondsman license pursuant to N.C. Gen. Stat. §58-71-80(a)(5), as Respondent engaged in fraudulent, coercive and dishonest practices, and demonstrated incompetence, untrustworthiness, and final irresponsibility in the course of business in this State.
8. Respondent’s felony convictions of Accessing Government Computer and Altering Court Records and misdemeanor conviction of a Bail Bondman Violation, resulting from unlawful acts committed while acting in the capacity of a licensed bail bondsman, provide substantial grounds for revocation of his bail bondsman license pursuant to N.C. Gen. Stat. §58-71-80(a)(6), as Respondent was convicted of crimes involving dishonesty, breach of trust, and moral turpitude.
9. Respondent’s felony convictions of Accessing Government Computer and Altering Court Records and misdemeanor conviction of a Bail Bondman Violation, resulting from unlawful acts committed while acting in the capacity of a licensed bail bondsman, provide substantial grounds for revocation of his bail bondsman license pursuant to N.C. Gen. Stat. §58-71-80(a)(8), as Respondent has demonstrated that financial untrustworthiness and untrustworthiness.

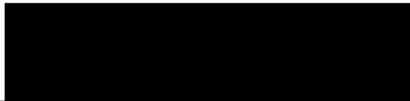
10. Respondent's misdemeanor conviction of a Bail Bond Violation (a violation of N.C.G.S. § 58-71-95), resulting from unlawful acts committed while acting in the capacity of a licensed bail bondsman, provide substantial grounds for revocation of his bail bondsman license pursuant to N.C. Gen. Stat. § 58-71-80(a)(7) for failure to comply with provisions of Article 71 of Chapter 58.

Based on the foregoing Findings of Fact and Conclusions of Law, the Hearing Officer enters the following:

Order

It is ordered that the surety bail bondsman license of Respondent James L. Perkins is hereby revoked.

This the 11th day of August, 2015.



Stewart Johnson, Hearing Officer
N.C. Department of Insurance

APPEAL RIGHTS: This Order may be appealed to Superior Court within 30 days of receipt, as set forth in the General Statutes of North Carolina.

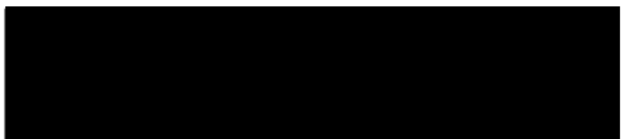
CERTIFICATE OF SERVICE

I hereby certify that on this day I have served a copy of the foregoing **Order and Final Agency Decision** via U.S. Mail, first class postage prepaid, addressed as follows:

James L. Perkins
4425 River Edge Dr.
Raleigh, NC 27604

James L. Perkins
1035 Delta River Way
Knightdale, NC 27545

This the 12th day of August, 2015.



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