

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

**STATE OF NORTH CAROLINA
COUNTY OF WAKE**

**IN THE MATTER OF THE
APPLICATION FOR LICENSURE OF
JOHN PERKINS
NPN 10008361**

**BEFORE THE COMMISSIONER OF INSURANCE
VOLUNTARY SETTLEMENT AGREEMENT**

NOW COME, John Perkins (hereinafter "Mr. Perkins") and the North Carolina Department of Insurance Bail Bond Regulatory Division (hereinafter "BBRD"), and hereby voluntarily and knowingly enter into the following Voluntary Settlement Agreement (hereinafter "this Agreement"):

WHEREAS, Mr. Perkins has agreed to settle, compromise, and resolve the matters referenced in this Agreement on behalf of herself, and BBRD has agreed not to pursue additional civil ramifications; including penalties, sanctions, remedies or restitution based on these matters against Mr. Perkins; and

WHEREAS, the Department has the authority and responsibility for enforcement of the 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 N.C. General Statutes or of any order, rule or regulation of the Commissioner; and

WHEREAS, Mr. Perkins was previously licensed as a professional bondsman from on or about July 1, 2008 to June 30, 2020, and was also licensed as a surety bondsman from on or about August 24, 2005 to June 30, 2020, (NPN 10008361), when his licenses lapsed; and

WHEREAS, prior to his professional and surety license lapses, Mr. Perkins was the subject of an ongoing enforcement action by the North Carolina Department of Insurance Agent Services Division (which was at that time responsible for regulating bail bonds licensing activity). This enforcement action was related to Mr. Perkins' failure to properly file monthly reports and other record keeping issues related to his professional bail bonds license. When Mr. Perkins' licenses lapsed in June 2020, the enforcement file was closed as he no longer held licenses; and

WHEREAS, on or about June 3, 2021, Mr. Perkins submitted an application for a surety bail bonds license (hereinafter, "Application") to the Department through its third party processing agent, Pearson Vue; and

WHEREAS, Mr. Perkins's license application was denied due to the prior enforcement action against his licenses remaining unresolved; and

WHEREAS, a review of Mr. Perkin's monthly reports from 2015, 2016, and 2017 demonstrated that many of these reports were inaccurate or incomplete in violation of N.C. Gen. Stat. § 58-71-165(a), and that said problems with the monthly reports was sufficiently serious as to demonstrate incompetence pursuant to N.C. Gen. Stat. §§ 58-71-80(a)(3) and 58-71-80(a)(8); and

WHEREAS, Mr. Perkins participated in a denial review meeting with BBRD on or about September 9, 2021; and

WHEREAS, Mr. Perkins has been cooperative with the Department during the course of its prior enforcement action and in relation to the denial of his surety bail bonds license, and has provided requested documentation; and

WHEREAS, although BBRD has cause to deny Mr. Perkins's license pursuant to N.C. Gen. Stat. §§ 58-71-80(a)(3), 58-71-80(a)(8), and 58-71-165(a) as set forth above, due to the fact that Mr. Perkins's problems with his monthly reports are related to his professional bondsman license and were not related to his surety license, BBRD has agreed to process Mr. Perkins's application upon complete execution of this VSA; and

WHEREAS, Mr. Perkins's violations of the North Carolina General Statutes as set forth above demonstrate a failure to comply with and/or violations of the provisions of Article 71 of Chapter 58 of the North Carolina General Statutes for which Mr. Perkins's surety bail bondsman's license application could be denied pursuant to N.C. Gen Stat. § 58-71-80(a)(7); and

WHEREAS, in lieu of an administrative hearing on the matters stated herein, Mr. Perkins 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 Mr. Perkins; 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 Mr. Perkins hereby agree to the following:

1. Immediately upon his signing of this document, Mr. Perkins 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. Perkins shall send the civil penalty by certified mail, return receipt requested, to the Department simultaneously with the return of this Agreement, signed by Mr. Perkins. The civil penalty and the signed Agreement must be received by the Department no later than **April 1, 2022**. 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. Mr. Perkins is prohibited from obtaining a professional bail bonds license from this Department for a period of ten (10) years from the date of this Agreement, and Mr. Perkins agrees that he shall not apply for a professional bail bonds license during this time. Mr. Perkins understands that, should he apply for a professional bail bonds license after this time, this does not guarantee that such license shall be granted by the Department.

3. Mr. Perkins shall take six (6) hours of continuing education in the areas, and shall submit proof that he has completed this requirement to BBRD no later than September 30, 2022. This six (6) hours of continuing education is in addition to the annual continuing education requirement for licensure. Mr. Perkins does not need to complete the additional six (6) hours of continuing education in order to have his Bail Bonds Surety license issued to him, however, failure to timely complete this requirement and provide proof of completion to BBRD may result in additional disciplinary action against his license.

4. Mr. Perkins shall not become a supervisor of any first-year bail bondsman pursuant to N.C. Gen. Stat. §§ 58-71-1(4a) and 58-71-41(b) for a period of three (3) years from the date of this Agreement. Mr. Perkins understands that should he, at the expiration of this three-year period, choose to become a supervisor of first-year bail bondsman, that he is fully responsible for the actions of that bondsman in the course of business, and that he is responsible for directly supervising said bondsman. Mr. Perkins understands that, should a bail bondsman under his supervision in the future engage in a violation of the insurance laws or laws of North Carolina in the course of bail bonds business, Mr. Perkins' license may be subject to disciplinary action.

5. Mr. Perkins shall obey all laws and regulations applicable to all licenses issued to him.

6. Mr. Perkins enters into this Agreement freely and voluntarily and with knowledge of his right to have an administrative hearing on this matter. Mr. Perkins understands that he may consult with an attorney prior to entering into this Agreement.

7. This Agreement does not in any way affect the Department's disciplinary power in any future follow-up examinations of Mr. Perkins, or in any other cases or complaints involving Mr. Perkins.

8. The parties to this Agreement agree that this Agreement shall have the full force and effect of an Order of the Commissioner. Mr. Perkins understands that N. C. Gen. Stat. § 58-71-80(a)(7) provides that a surety bail bondsman's license may be revoked for violating an Order of the Commissioner.

9. 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.

10. Mr. Perkins understands that this Agreement, when finalized, shall be considered a regulatory administrative action against him. Mr. Perkins understands that he may be required to disclose this Agreement as a regulatory administrative action on future applications, renewal applications, or other

inquiries submitted to the Department or other regulatory inquiries. Mr. Perkins understands that he is solely responsible for accurately answering all questions on future license applications, renewal applications, and in response to inquiries by the Department and other regulating entities.

11. This Settlement Agreement shall become effective when signed by Mr. Perkins and the Department.

12. Mr. Perkins shall not be eligible to sit for the surety bail bonds licensure exam until he has timely paid the \$500 civil penalty and this Agreement has been fully executed by both parties. Mr. Perkins must pass the surety bail bonds licensure exam and meet all other requirements for licensure in order to become a licensed surety bail bondsman. Once Mr. Perkins has paid the civil penalty and this Agreement has been executed by both parties, BBRD will reverse its license denial and notify Mr. Perkins, which will allow Mr. Perkins to take the licensing exam to become a Surety Bail Bondsman in North Carolina. Mr. Perkins understands that he must meet all requirements of licensure, including but not limited to passing the surety bail bonds licensing exam, before a license will be issued to his by the Department.

N.C. Department of Insurance



By: John Perkins



By: Marty Sumner
Senior Deputy Commissioner

Date: 2/21/22

Date: 2/22/2022