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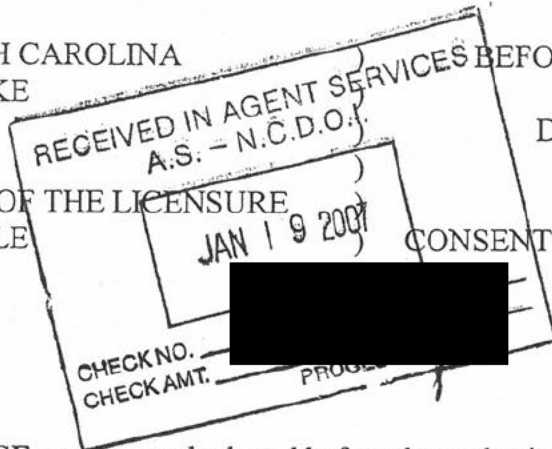
NORTH CAROLINA DEPARTMENT OF INSURANCE
RALEIGH, NORTH CAROLINA

STATE OF NORTH CAROLINA
COUNTY OF WAKE

BEFORE THE COMMISSIONER
OF INSURANCE
Docket Number: D-1335

IN THE MATTER OF THE LICENSURE
OF ROBERT POOLE

CONSENT ORDER AND FINAL AGENCY
DECISION



THIS CAUSE came on to be heard before the undersigned Hearing Officer, as designated by the Commissioner of Insurance pursuant to North Carolina General Statute § 58-2-55, on the 30th day of November, 2006, pursuant to a Notice which was duly issued and served.

Petitioner, the North Carolina Department of Insurance (hereinafter "Department"), was present in the person of Gerald Mitchell of the Department's Agent Services Division, and was represented by Robert Croom, Assistant Attorney General.

Respondent Robert Poole (hereinafter "respondent") was present, and was represented by Damion McCullers of the Wake County Bar.

WHEREAS, THE PARTIES HAVING REPRESENTED TO THE UNDERSIGNED that the parties have reached a mutually agreeable resolution of this matter as set out in this Consent Order; and

THE PARTIES HAVING REPRESENTED TO THE UNDERSIGNED that Respondent failed to timely file monthly reports of all bail bonds on which he was liable for the months of August, September, October, November and December 2005, as well as April and July of 2006 as required by N.C. Gen. Stat § 58-71-165; and

THE PARTIES HAVING REPRESENTED TO THE UNDERSIGNED that Respondent ADMITS that, in violation of N.C. Gen. Stat. §§58-71-165 and 58-71-80(a)(7), he has failed to comply with the provisions of Article 71 of Chapter 58 of the North Carolina General Statutes by his failure to timely file the above-mentioned monthly reports; and

THE PARTIES HAVING REPRESENTED TO THE UNDERSIGNED that Respondent ADMITS that, in violation of N.C. Gen. Stat. §58-71-80(a)(8), he has demonstrated

untrustworthiness in the conduct of his affairs under his license by his failure to timely file the above-mentioned monthly reports; and

THE PARTIES HAVING REPRESENTED TO THE UNDERSIGNED that Respondent agrees to pay a civil monetary penalty in the amount of \$358.00 for the initial untimely filed monthly report and \$357.00 for the six subsequent untimely filed monthly reports for a total civil monetary penalty of \$2,500.00 pursuant to N.C. Gen. Stat. §58-2-70 by reason of his violations of N.C. Gen. Stat. §§58-71-80(a)(7), 58-71-80(a)(8) and 58-71-165, as set out above; and

IT IS, THEREFORE, BY CONSENT, ORDERED:

1. 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."
2. Respondent has violated N.C. Gen. Stat. §§58-71-165 and 58-71-80(a)(7), and has failed to comply with the provisions of Article 71 of Chapter 58 of the North Carolina General Statutes by his failure to timely file monthly reports of all bail bonds on which he was liable for the months of August, September, October, November and December 2005, as well as April and July of 2006 as required by N.C. Gen. Stat § 58-71-165.
3. Respondent has violated N.C. Gen. Stat. §58-71-80(a)(8), and demonstrated untrustworthiness in the conduct of his affairs under his license by his failure to timely file monthly reports of all bail bonds on which he was liable for the months of August, September, October, November and December 2005, as well as April and July of 2006 as required by N.C. Gen. Stat § 58-71-165.
4. Respondent shall pay a civil monetary penalty in the amount of \$358.00 for the initial untimely filed monthly report and \$357.00 for the six subsequent untimely filed monthly reports for a total civil monetary penalty of \$2,500.00 to the North Carolina Department of Insurance pursuant to N.C. Gen. Stat. §58-2-70 by reason of his violations of N.C. Gen. Stat. §§58-71-80(a)(7), 58-71-80(a)(8) and 58-71-165, as set out above.
5. The above-referenced civil monetary penalty will be paid by cashier's check or official bank check made out to the "North Carolina Department of Insurance." The check shall be delivered to the Department with the Consent Order signed by Respondent on or before January 17, 2007.
6. Respondent shall comply with all provisions of Chapter 58 of the North Carolina General Statutes and Title 11 of the North Carolina Administrative Code that are applicable to him.

7. This administrative action 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.

8. By signing this Consent Order, Respondent expressly waives his right to any further proceedings in this matter, and expressly waives his right to seek judicial review or to otherwise challenge the validity of this Consent Order.

9. Except as to the matters and things necessarily determined within the scope of this administrative proceeding, this Consent Order shall not prevent the department from taking any other administrative action it is authorized to take against Respondent in any future follow-up examinations of Respondent, or in any other cases or complaints involving respondent.

This the 23rd day of December, 2006.



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

WE CONSENT:

NORTH CAROLINA DEPARTMENT OF
INSURANCE

By: 

1-23-07

ANGELA FORD
Senior Deputy Commissioner



Robert Poole