

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

WHEREAS, Ryals's violation of N.C. Gen. Stat. §§ 58-71-95(5) constitutes financial irresponsibility pursuant to N.C. Gen. Stat. § 58-71-80(a)(8) and unlawful withholding of monies pursuant to N.C. Gen. Stat. § 58-71-80(a)(4), for which Ryals's bail bonds license could be revoked; and

WHEREAS, Ryals's failure to timely return the collateral on the bond was in violation of N.C. Gen. Stat. § 58-71-95(5), which states that a bail bondsman must return collateral security or other indemnity required by the bondsman within 72 hours after final termination of liability on the bond; and

WHEREAS, Ryals subsequently refunded the one-hundred dollar (\$100.00) collateral for that bond to the consumer approximately one year after it was due; and

WHEREAS, the Department received a complaint that Ryals did not return the collateral for a bond written for Mark Harris within 72 hours of disposal of the case; and

WHEREAS, Ryals holds an active license as a bail bondsman issued by the Department; and

WHEREAS, the Department has the authority and responsibility for enforcement of insurance laws of this State, and for regulating and licensing bail bondsmen; and

NOW COME Fabian Ryals (hereinafter "Ryals") and the North Carolina Department of Insurance (hereinafter "Department"), and hereby voluntarily and knowingly enter into the following Voluntary Settlement Agreement (hereinafter "this Agreement"):

STATE OF NORTH CAROLINA
COUNTY OF WAKE
IN THE MATTER OF THE LICENSE OF
OF FABIAN RYALS
BEFORE THE COMMISSIONER
OF INSURANCE
A.S. - N.C.D.O.I.
RECEIVED IN AGENT SERVICES
MAR - 6 2007
[REDACTED]

NORTH CAROLINA DEPARTMENT OF INSURANCE
RALEIGH, NORTH CAROLINA

Agent Services
Division

MAR 06 2007

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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.

6. The parties have read and understand this Agreement and agree to abide by the terms and conditions stated herein.

5. The parties to this Agreement agree that this Agreement shall have the full force and effect of an Order of the Commissioner. Ryals 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.

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

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

2. Ryals shall obey all laws and regulations applicable to a licensed bail bondsman.

2007.

1. Immediately upon his signing of this document, Ryals shall pay a **civil penalty of \$250.00** 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." Ryals shall send the civil penalty by certified mail, return receipt requested, to the Department simultaneously with the return of this Agreement, signed by Ryals. The civil penalty and the signed Agreement must be received by the Department no later than **March 1, 2007.**

NOW, THEREFORE, in exchange for the consideration of the promises and agreements set out herein, the Department and Ryals hereby agree to the following:

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

Fabian Ryals

[Redacted signature area]

By:

[Redacted signature area]

Angela Ford
Senior Deputy Commissioner

North Carolina Department of Insurance

This the 17th day of March, 2007.