

CAROLINA DEPARTMENT OF INSURANCE
RALEIGH, NORTH CAROLINA

STATE OF NORTH CAROLINA)
COUNTY OF WAKE)

BEFORE THE COMMISSIONER OF
INSURANCE

IN THE MATTER OF THE)
LICENSURE OF)
LORETTA B. SMITH)
LICENSE NO. 0010004680)

VOLUNTARY SETTLEMENT
AGREEMENT

NOW COME, Loretta B. Smith (hereinafter "Ms. Smith") and the North Carolina Department of Insurance (hereinafter "Department"), and hereby voluntarily and knowingly enter into the following Voluntary Settlement Agreement (hereinafter "this Agreement"):

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, Ms. Smith holds an active license as a surety bail bondsman issued by the Department; 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 North Carolina General Statutes or of any order, rule or regulation of the Commissioner; and

WHEREAS, N.C. Gen. Stat. § 58-71-40(a) provides that no person shall act in the capacity of a professional bondsman, surety bondsman, or runner or perform any of the functions, duties, or powers prescribed for professional bondsmen, surety bondsmen, or runners under Article 71 of Chapter 58 of the General Statutes of North Carolina unless that person is qualified and licensed under said Article; and

WHEREAS, N.C. Gen. Stat. § 58-71-75 provides a process for annual renewal of surety bail bondsmen licenses; and

WHEREAS, Ms. Smith did not follow the process by not making timely application for renewal of her license for 2015-2016, resulting in the non-renewal of her surety bail bondsman's license and her ability to perform any of the functions, duties, or powers prescribed for surety bail bondsmen under Article 71 of Chapter 58 of the General Statutes; and

WHEREAS, Ms. Smith admits to these violations; and

WHEREAS, Ms. Smith's violations of N.C. Gen. Stat. § 58-71-40(a) and N.C. Gen. Stat. § 58-71-75 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 Ms. Smith's surety bail bondsman's license could be revoked, suspended or not renewed pursuant to N.C. Gen Stat. § 58-71-80(a)(7); and

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

1. Immediately upon her signing of this document, Ms. Smith 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." Ms. Smith shall send the civil penalty by certified mail, return receipt requested, to the Department simultaneously with the return of this Agreement, signed by Ms. Smith. The civil penalty and the signed Agreement must be received by the Department no later than **September 25, 2015**. 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. Ms. Smith shall obey all laws and regulations applicable to all licenses issued to her.
3. Ms. Smith enters into this Agreement freely and voluntarily and with knowledge of her right to have an administrative hearing on this matter. Ms. Smith understands that she may consult with an attorney prior to entering into this Agreement.
4. This Agreement does not in any way affect the Department's disciplinary power

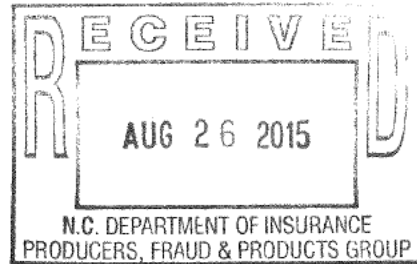
in any future follow-up examinations of Ms. Smith, or in any other cases or complaints involving Ms. Smith.

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

6. 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 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.


7. This Settlement Agreement shall become effective when signed by Ms. Smith and the Department.

This the ^{26th}~~21st~~ day of August, 2015.



North Carolina Department of Insurance

By: 
Loretta B. Smith
License No. 0010004680

By:  8-26-15
Angela Ford
Senior Deputy Commissioner