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

STATE OF NORTH CAROLINA)	BEFORE THE COMMISSIONER OF
COUNTY OF WAKE)	INSURANCE
)	
)	
IN THE MATTER OF THE LICENSURE)	VOLUNTARY SETTLEMENT
OF)	AGREEMENT
SPENCER R. THOMPSON)	
LICENSE NO. 0010004157)	

NOW COME, Spencer R. Thompson (hereinafter "Mr. Thompson") 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, Mr. Thompson 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 N.C. General Statutes or of any order, rule or regulation of the Commissioner; and

WHEREAS, N.C. Gen. Stat. § 58-71-170(b) provides that the Commissioner may conduct examinations of surety bondsmen under the provisions of N.C. Gen. Stat. § 58-2-195; and

WHEREAS, N.C. Gen. Stat. § 58-2-195 (a) provides that information from records required to be kept pursuant to law shall be open to the inspection for the Commissioner or any other authorized employee when demanded, and subparagraph (e) thereof provides that the refusal to submit to examination is grounds for the revocation or refusal of a license; and

WHEREAS, the Bail Bond Regulatory Division (BBRD) contacted Mr. Thompson on several occasions requesting all documents related to the bonds written on Mr. Marquee Stimpson pursuant to a complaint filed with the Department by Ms. Shauna Turner, which demand was not met in a timely fashion in violation of N.C. Gen. Stat. § 58-2-195 (a); and

WHEREAS, N.C. Gen. Stat. § 58-71-80(a) (4) provides that the Commissioner may deny, place on probation, suspend, revoke, or refuse to renew any license for misappropriation, conversion or

unlawful holding of moneys belonging to insurers or others and received in the conduct of business under the license; and

WHEREAS, Mr. Thompson was given \$3,300.00 to obtain release on bail for Marque Stimpson from the Guilford County, NC jail by Mr. Stimpson's girlfriend, Shauna Turner, on February 12, 2018; however, Mr. Thompson did not issue Ms. Turner a receipt for the money, never submitted the money to the surety company for the release of Mr. Stimpson, who was not released from jail, and did not return the money to Ms. Turner in a timely manner, constituting a violation of N.C. Gen. Stat. § 58-71-80(a) (4); and

WHEREAS, Mr. Thompson was given a total of \$7,500.00 to obtain release of bail for Juan Amonte Coleman from the Davidson County, NC jail by Mr. Coleman's mother, Alisha Parms and father, Charles Coleman on June 29, 2017. Mr. Thompson issued one receipt on June 29, 2017 in the amount of \$2,500.00 with a balance due of \$5,000.00; however, Mr. Thompson did not issue receipts for any other premium payments that were received for payment on behalf of Mr. Juan Coleman; and

WHEREAS, in not issuing a receipt, Mr. Thompson violated the provisions of 11 NCAC 13.0515 which provides that: "Whenever a fee is received by a bail bondsman a receipt shall be furnished to the defendant"; and

WHEREAS, Alisa Parms and Charles Coleman separately signed an Indemnity Agreement and Guaranty in the amount of \$75,000.00 to guarantee the payment of the \$75,000.00 bond for Juan Amonte Coleman to Mr. Thompson in the event of a forfeiture; however, Mr. Thompson did not list or describe either Indemnity Agreement and Guaranty on the affidavit on Appearance Bond for Pretrial Release; and

WHEREAS, Mr. Thompson's conduct reflects a violation of the provisions of 11 NCAC 13.0512(h), "All indemnity agreements or other security agreements shall be considered as collateral security and shall be listed and described on the form provided by the Administrative Office of the Courts (Form AOC-CR-201 or its successor) entitled "Appearance Bond for Pretrial Release; and

WHEREAS, Mr. Thompson's conduct reflects a violation of the provisions of N.C. Gen. Stat. § 58-71-80 (a) (5), "fraudulent, coercive, or dishonest practices in the conduct of business or demonstrating incompetence, untrustworthiness, or financial irresponsibility"; and

WHEREAS, Mr. Thompson's conduct further reflects a violation of N.C. Gen. Stat. § 58-71-80 (a) (8), in that in carrying on his affairs under the license he "demonstrated incompetency, financial irresponsibility, or untrustworthiness"; and

WHEREAS, Mr. Thompson's violations of N.C. Gen. Stat. § 58-71-80 (a) (4), (a) (5), (a) (8), 11 NCAC 13.0512(h) and 11 NCAC 13.0515 and 58-2-195 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. Thompson'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, Mr. Thompson 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. Thompson; 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. Thompson hereby agree to the following:

1. Immediately upon his signing of this document, Mr. Thompson shall pay a **civil penalty of \$3,000.00** 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. Thompson shall send the civil penalty by certified mail, return receipt requested, to the Department simultaneously with the return of this Agreement, signed by Mr. Thompson. The civil penalty and the signed Agreement must be received by the Department no later than **October 1, 2019**. 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. As a condition of continuing to be licensed as a surety bail bondsman, Mr. Thompson will be required to comply with the provisions of N.C. Gen. Stat. § 58-71-71(a) and shall retake and complete at least 12 hours of Pre-licensing Education by an approved provider, and shall provide the Department with a certificate of completion no later than **December 2, 2019**. This Pre-licensing Education will be in lieu of and satisfy the Continuing Education (CE) requirement for the renewal year 2019-2020 as set forth in N.C. Gen. Stat. § 58-71-71(b).

3. Mr. Thompson shall obey all laws and regulations applicable to all licenses issued to him.

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

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

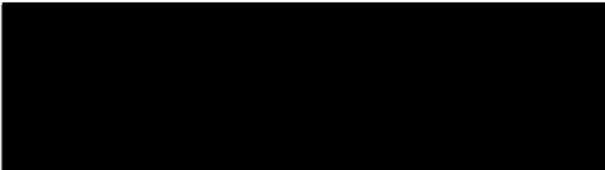
6. The parties to this Agreement agree that this Agreement shall have the full force and effect of an Order of the Commissioner. Mr. Thompson understands that N. C. Gen. Stat. § 58-71-80(a)(7) provides that a surety bail bondsman's license may be revoked for violating an Order of the Commissioner.

7. 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.

8. This Settlement Agreement shall become effective when signed by Mr. Thompson and the Department.

N.C. Department of Insurance



By: Spencer R. Thompson
License No. 0010004157



By: Marty Sumner
Deputy Commissioner

Date: 10-1-19

Date: 10/7/19