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NORTH 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 JAMES C. WEST
APPLICANT

VOLUNTARY SETTLEMENT
AGREEMENT

NOW COME, James C. West (hereinafter "Mr. West") 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 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 North Carolina General Statutes or of any order, rule or regulation of the Commissioner; and

WHEREAS, N.C. Gen. Stat. § 58-71-40 (a) and (b) provide that no person shall act in the capacity of a surety bondsman unless qualified and licensed, and the Commissioner may propound any reasonable interrogatories about the applicant's qualifications and any other matters the Commissioner considers necessary to protect the public and ascertain the qualifications of the applicant and conduct a reasonable inquiry or investigation relative to the determination of the applicant's fitness to be licensed or to continue to be licenses; and

WHEREAS, N.C. Gen. Stat. § 58-71-80(a) (3) provides that the Commissioner may deny, place on probation, suspend, revoke, or refuse to renew a license for a material misstatement, misrepresentation or fraud in obtaining the license; and

WHEREAS, Mr. West applied for a surety bail bond license on August 05, 2019; and

WHEREAS, Mr. West answered "No" to the question on the application: "Have you ever been convicted, or are you currently charged with, committing a crime, *whether or not adjudication was withheld*?" ; and

WHEREAS, on or about August 17, 2005, Mr. West was found guilty on one count of the Misdemeanor, Assault Inflict Serious Injury (Prayer for Judgment)(Halifax County, NC File # 05CR 052200); and

WHEREAS, Mr. West admits to this violation of N.C. Gen. Stat. § 58-71-80 (a) (3), a basis for denial of his license application; and

WHEREAS, the Department denied Mr. West' application on September 18, 2019 and Mr. West requested a review of the Department's action pursuant to N.C. Gen. Stat. § 58-71-85 (b) on the same date; and

WHEREAS, the review was scheduled for October 09, 2019, at which time Mr. West agreed to accept and execute a Voluntary Settlement Agreement and pay a civil penalty in the amount of \$500.00 as a condition to being licensed as a surety bail bondsman; and

NOW, THEREFORE, in consideration of the promises and agreements set out herein, the Department and Mr. West hereby agree to the following:


1. Immediately upon his signing of this document, Mr. West 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. West shall send the civil penalty by certified mail, return receipt requested, to the Department simultaneously with the return of this Agreement, signed by Mr. West. The civil penalty and the signed Agreement must be received by the Department no later than **November 20, 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. The Department has reconsidered its denial of Mr. West' application for licensure as a surety bail bondsman and will issue Mr. West a surety bondsman's license upon receipt of Mr. West's execution of this Voluntary Settlement Agreement and return to the Department accompanied with payment of the civil penalty set forth above in the amount of \$500.00; and
3. Mr. West shall obey all laws and regulations applicable to all licenses issued to him.
4. Mr. West enters into this Agreement freely and voluntarily and with knowledge of his right to have an administrative hearing on this matter. Mr. West 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. West, or in any other cases or complaints involving Mr. West.

6. The parties to this Agreement agree that this Agreement shall have the full force and effect of an Order of the Commissioner. Mr. West understands that N. C. Gen. Stat. § 58-71-80(a)(7) provides that a surety 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. West and the Department.

N.C. Department of Insurance


By: James C. West
Applicant


By: Marty Sumner
Senior Deputy Commissioner

Date: 11-12-2019

Date: 11/20/19