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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
JAMIE L. WHITCOMB
LICENSE NO. 0018615489**

**VOLUNTARY SETTLEMENT
AGREEMENT**

NOW COME, Jamie L. Whitcomb (hereinafter "Ms. Whitcomb") 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 the enforcement of the insurance laws of this State, and for regulating and licensing bail bondsmen; and

WHEREAS, Ms. Whitcomb holds an active license as a surety bail bondsman issued by the Department; 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 withholding of moneys belonging to insurers or others received in the conduct of business under the license; and

WHEREAS, N.C. Gen. Stat. § 58-71-80(a)(5) provides that the Commissioner may deny, place on probation, suspend, revoke, or refuse to renew any license, among other things, for demonstrating incompetence, untrustworthiness, or financial irresponsibility in the conduct of business in this State; and

WHEREAS, N.C. Gen. Stat. § 58-71-95(5) provides that no bail bondsman or runner shall accept anything of value from a principal or from anyone on behalf of a principal except the premium, which shall not exceed fifteen percent (15%) of the face amount of the bond;

WHEREAS, N.C. Gen. Stat. § 58-71-95(5) further provides that collateral security or other indemnity required by the bondsman to be reasonable in relation to the amount of the bond and shall be returned within 72 hours after final termination of liability on the bond; and

WHEREAS, N.C. Gen. Stat. § 58-71-100 provides that when a bail bondsman accepts collateral he or she shall give a written notice for the collateral, and a receipt for which is given a detailed full description of the collateral involved, and such collateral security shall be held and maintained in trust; and if the collateral security is received in the form of cash, check or other negotiable instrument, the licensee shall deposit the cash or instrument within two banking days after receipt in an established, separate non-interest bearing trust account in any bank located in North Carolina; and

WHEREAS, Ms. Whitcomb wrote two bonds on Mr. Rashad Booe, which were posted on May 18, 2018 in the District Court of Iredell County, NC (Case File Nos. 17CR 703848 and 18CR 701767) for which she received \$8,000.00 of collateral from Ms. Rashida Parks; and

WHEREAS, Ms. Whitcomb followed the direction of her supervisor, Justin S. Singletary, and placed the money in a file cabinet in Mr. Singletary's office, rather than deposit the money in a non-interest bearing account located in North Carolina and issue a separate receipt for the collateral as required by N.C. Gen. Stat. § 58-71-100; and

WHEREAS, Ms. Whitcomb was contacted by Ms. Parks on numerous occasions after final disposition of the case against Mr. Booe for return of the collateral as required by N.C. Gen. Stat. § 58-71-95(5); and

WHEREAS, the collateral security amount of \$8,000.00 was returned to Ms. Parks on November 1, 2018 only after this Department contacted you by email on October 23, 2018; and

WHEREAS, Ms. Whitcomb's violations of N.C. Gen. Stat. §§ 58-71-80(a)(4) and (a)(5), 58-71-95(5) and 58-71-100 demonstrate a failure to comply with and/or a violation of the provisions of Article 71 of Chapter 58 of the North Carolina General Statutes for which Ms. Whitcomb's surety bondsman license could be revoked, suspended or not renewed pursuant to N.C. Gen. Stat. § 58-71-80(a)(7); 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, Ms. Whitcomb admits to the violations set out herein; and

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

1. Immediately upon her signing of this document, Ms. Whitcomb shall pay a **civil penalty of \$1,000.00** to the Department. The form of payment shall be in 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. Whitcomb shall send the civil penalty by certified mail, return receipt requested, to the Department simultaneously with the return of this Agreement, signed by Ms. Whitcomb. The civil penalty and the signed Agreement must be received by the Department no later than **April 7, 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, Ms. Whitcomb will be required to comply with the provisions of N.C. Gen. Statute § 58-71-71(a) and retake and complete at least 12 hours of education as provided by an approved provider in subjects pertinent to the duties and responsibilities of a bail bondsman including all laws and regulations related to being a bail bondsman, within six months from the date of the signing and acceptance of this Agreement by the Department, and submit documented verification of such completion to the Department. Such pre-licensing education will be in lieu of and satisfy the requirements of N.C. Gen. Statute § 58-71-71(b).
3. Ms. Whitcomb shall obey all laws and regulations applicable to all licenses issued to her.
4. Ms. Whitcomb enters into this Agreement freely and voluntarily and with knowledge of her right to have an administrative hearing on this matter. Ms. Whitcomb understands that she 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 Ms. Whitcomb, or in any other cases or complaints involving Ms. Whitcomb.

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

N.C. DEPARTMENT OF INSURANCE

[Redacted Signature]

By: Jamie L. Whitcomb
License No. 0018615489

[Redacted Signature]

By: Marty Sumner
Deputy Commissioner

Date: 4/1/19

Date: 4/10/19