

**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 DARRICK A. WHITTED
APPLICANT**

**VOLUNTARY SETTLEMENT
AGREEMENT**

NOW COME, Darrick A. Whitted (hereinafter "Mr. Whitted") 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 licensed; 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. Whitted applied for a surety bail bond license on October 18, 2019; and

WHEREAS, Mr. Whitted 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 January 19, 1994 Mr. Whitted was found guilty on one count of the Misdemeanor, Larceny (Sampson County, NC File 93CR 007418; and

WHEREAS, on or about January 21, 1994 Mr. Whitted was found guilty on one count of the Misdemeanor, Breaking or Entering (Sampson County, NC File # 93CRS 007418); and

WHEREAS, on or about August 20, 1996 Mr. Whitted was found guilty on one count of the Misdemeanor, Second Degree Trespass (Bladen County, NC File # 94CRS 001351); and

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


WHEREAS, the Department denied Mr. Whitted's application on October 24, 2019 and Mr. Whitted 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 November 13, 2019; Mr. Whitted 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. Whitted hereby agree to the following:

1. Immediately upon his signing of this document, Mr. Whitted 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. Whitted shall send the civil penalty by certified mail, return receipt requested, to the Department simultaneously with the return of this Agreement, signed by Mr. Whitted. The civil penalty and the signed Agreement must be received by the Department no later than **December 30, 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. Whitted's application for licensure as a surety bail bondsman and will issue Mr. Whitted a surety bondsman's license upon receipt of Mr. Whitted'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. Whitted shall obey all laws and regulations applicable to all licenses issued to him.

4. Mr. Whitted enters into this Agreement freely and voluntarily and with knowledge of his right to have an administrative hearing on this matter. Mr. Whitted 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. Whitted, or in any other cases or complaints involving Mr. Whitted.
6. The parties to this Agreement agree that this Agreement shall have the full force and effect of an Order of the Commissioner. Mr. Whitted 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. Whitted and the Department.



By: Darrick A. Whitted
Applicant

N.C. Department of Insurance



By: Marty Sumner
Senior Deputy Commissioner

Date: 12-17-20¹⁹

Date: 12/30/19