

NORTH CAROLINA DEPARTMENT OF INSURANCE
RALEIGH, NORTH CAROLINA

STATE OF NORTH CAROLINA)	BEFORE THE COMMISSONER
COUNTY OF WAKE)	OF INSURANCE
)	
)	
)	
IN THE MATTER OF:)	
)	VOLUNTARY SETTLEMENT
THE LICENSURE OF)	AGREEMENT
XAVIER ZSARMANI)	
LICENSE NO. 14418919)	
)	

NOW COME, Xavier Zsarmani (hereinafter "Mr. Zsarmani") 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, Mr. Zsarmani 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, on or about December 19, 2017, Mr. Zsarmani agreed to write a \$10,000 bond with a \$1,000.00 premium amount for defendant Alexander Busby in Iredell County District Court case 17 CR 056568, and accepted a \$750.00 initial payment in cash from Mr. Busby's parents; and

WHEREAS, later on that same day, Mr. Zsarmani completed the paperwork for the bond and drove to the Iredell County jail with the intention that he would meet Mr. Busby's parents there and submit the paperwork to bond out Mr. Busby. At the time he drove to the jail, Mr. Zsarmani had his 18-month-old son with him, whom Mr. Zsarmani cares for during the day while he is working at his barbershop business. Mr. Zsarmani intended to meet his wife in the jail parking lot and transfer his son to her, so Mrs. Zsarmani could take over care of their son; and

WHEREAS, while waiting in the parking lot, Mr. Zsarmani's son vomited on Mr. Zsarmani. While Mr. Zsarmani occupied himself with cleaning up the vomit, Mrs. Zsarmani went into the jail intake counter and submitted the paperwork to the court to bond out Mr. Busby; and

WHEREAS, on or about January 7, 2018, Mr. Zsarmani received a call from the sheriff demanding that Mr. Zsarmani pick up Mr. Busby, following an altercation between Mr. Busby and his parents. Mr. Busby's parents informed Mr. Zsarmani that they could not handle their son at home and wanted to get off of his bond. Mr. Zsarmani subsequently surrendered Mr. Busby, and indicated on the surrender form submitted to the court that, "Parents could no longer handle defendant at home", and "Defendant wants to go back to jail"; and

WHEREAS, Mr. Zsarmani thereafter contacted Mr. Busby's parents, who informed him that they did not require him to return the \$750.00 premium money they had paid on their son's bond; and

WHEREAS, Mr. Zsarmani violated N.C. Gen. Stat. § 58-71-80(a)(14) by aiding and abetting his wife when she submitted Mr. Busby's bond paperwork at the Iredell County jail; and

WHEREAS, Mr. Zsarmani violated N.C. Gen. Stat. § 58-71-20 by failing to return the \$750.00 premium monies to Mr. Busby's parents when he surrendered Mr. Busby for reasons not enumerated in N.C.G.S. § 58-71-20; and

WHEREAS, Mr. Zsarmani's violations of N.C. Gen. Stat. §§ 58-71-80(a)(14) and 58-71-20 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. Zsarmani's surety bail bondsman license could be revoked, suspended or not renewed pursuant to N.C. Gen Stat. § 58-71-80(a)(7); and

WHEREAS, Mr. Zsarmani has admitted to the violations set forth herein; and

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

1. Mr. Zsarmani has returned the \$750.00 in premium monies received from Mr. Busby's parents to them, and has provided proof thereof to the Department.

2. Immediately upon his signing of this document, Mr. Zsarmani shall pay a **civil penalty of \$1,000.00** 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. Zsarmani shall send the civil penalty by certified mail, return receipt requested, to the Department simultaneously with the return of this Agreement, signed by Mr. Zsarmani. The civil penalty and the signed Agreement must be received by the Department no later than **November 8, 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.

3. Mr. Zsarmani will be required to comply with the provisions of N.C. Gen. Stat. § 58-71-71(a) and complete a PLE course, in lieu of CE, 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. Mr. Zsarmani shall submit written proof of completion of this PLE requirement to the Department no later than December 31, 2019.

4. Mr. Zsarmani shall obey all laws and regulations applicable to all licenses issued to him.

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

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

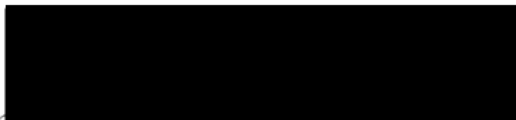
7. The parties to this Agreement agree that this Agreement shall have the full force and effect of an Order of the Commissioner. Mr. Zsarmani understands that N. C. Gen. Stat. § 58-71-80(a)(7) provides that a bail bondsman's license may be revoked for violating an Order of the Commissioner.

8. 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.

9. This Settlement Agreement shall become effective when signed by Mr. Zsarmani and the Department.

By:



Xavier Zsarmani

Date:

November 20, 2019

NORTH CAROLINA DEPARTMENT OF INSURANCE

By:



Marty Sumner
Deputy Commissioner

Date:

12/2/19