

APR 22 2013

**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 LARRY ATKINSON  
LICENSE NO. 0008392479**

**VOLUNTARY SETTLEMENT  
AGREEMENT**

NOW COME, Larry Atkinson (hereinafter "Mr. Atkinson") and the North Carolina Department of Insurance (hereinafter "Department"), and hereby voluntarily and knowingly enter into the following Voluntary Settlement Agreement (hereinafter "Agreement"):

WHEREAS, the Department has the authority and responsibility for enforcing insurance laws of this State, and for regulating and licensing bail bondsmen; and

WHEREAS, Mr. Atkinson holds an active professional bail bondsman license issued by the Department. At all relevant times herein, Mr. Atkinson was licensed by the Department as a professional bail bondsman; and

WHEREAS, on or about 11 August 2010, Antonio D. Giles (hereinafter "Mr. Giles") was being held in the Johnston County jail on an order for arrest for failure to appear for a court appearance in Wayne County in file number 07 CR 001451. On or about 11 August 2010, Mr. Atkinson, in his capacity as a professional bondsman, posted a security bond in the amount of \$1,000.00 in this case to secure the release of Mr. Giles from the Johnston County Jail. Pursuant to bond being posted, Mr. Giles was

WHEREAS, Mr. Atkinson admits that his motion to set aside the bond forfeiture was based on false grounds and that the surrender form he submitted to the Clerk of Court in support of the motion contained information that Mr. Atkinson knew was false; and

WHEREAS, arising from the foregoing allegations relating to Mr. Atkinson unlawfully filing a motion to set aside the bond forfeiture as to Mr. Giles, Mr. Atkinson was convicted on 2 May 2012 of misdemeanor obstruction of justice in Wayne County file number 11 CR 051084. Mr. Atkinson stipulates that this conviction shall constitute a conviction of a misdemeanor committed in the course of dealings under the bail bonding license issued by the Commissioner of Insurance within the meaning of N.C. Gen. Stat. § 58-71-80(a)(2); and

WHEREAS, Mr. Atkinson further admits to a similar course of conduct in Greene County file number 02 CR 000723, whereby he succeeded in having the forfeiture of a bond in the amount of \$1000.00 set aside by the court. Mr. Atkinson admits that the motion to set aside the bond forfeiture that he filed with the Clerk of Court of Greene County in Greene County file number 02 CR 000723 was based on false grounds and that the surrender form he submitted in support of the motion contained information that Mr. Atkinson knew was false; and

WHEREAS, arising from the foregoing allegations relating to Mr. Atkinson unlawfully filing a motion to set aside the bond forfeiture as to Greene County file number 02 CR 000723, Mr. Atkinson was charged with misdemeanor obstruction of justice in Greene County file number 11 CR 50170. This charge was dismissed in

exchange for Mr. Atkinson pleading guilty to misdemeanor obstruction of justice in Wayne County file number 11 CR 051084; and

WHEREAS, Mr. Atkinson admits that his motions and related efforts to set aside the bond forfeitures in Wayne County and Greene County as described above demonstrate fraudulent, dishonest practices and untrustworthiness in the conduct of business under N.C. Gen. Stat. § 58-71-80(a) (5); and

WHEREAS, each of Mr. Atkinson's violations of N.C. Gen. Stat. § 58-71-80(a) (5) as described above demonstrates 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 Mr. Atkinson's professional bondsman's license may 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, Mr. Atkinson admits to the violations set out herein; and

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

1. Immediately upon his signing of this document, Mr. Atkinson shall pay a civil penalty of \$1000.00 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." Mr. Atkinson shall send the civil penalty by certified mail, return receipt requested, to the Department simultaneously with the return of this Agreement, signed by Mr. Atkinson. The civil penalty and the signed Agreement must be received by the Department no later than 8 April 2013. 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. Mr. Atkinson agrees that he shall not act as a bondsman in any capacity whatsoever in the Eight Prosecutorial District of North Carolina, which includes Green, Lenoir and Wayne Counties.

3. Mr. Atkinson shall obey all laws and regulations applicable to all licenses issued to him by the Department.

4. Mr. Atkinson enters into this Agreement freely and voluntarily and with knowledge of his right to have an administrative hearing on this matter. Mr. Atkinson

acknowledges that he has consulted 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. Atkinson, or in any other cases or complaints involving Mr. Atkinson.

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

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

[Redacted Signature]

Larry Atkinson  
License No. 0008392479

4/8/13  
Date

NORTH CAROLINA DEPARTMENT OF INSURANCE

[Redacted Signature]

By: Angela Ford  
Senior Deputy Commissioner

April 22, 2013  
Date