

**NORTH CAROLINA DEPARTMENT OF INSURANCE
RALEIGH, NORTH CAROLINA**

**STATE OF NORTH CAROLINA
COUNTY OF WAKE**

**BEFORE THE COMMISSIONER
OF INSURANCE
BAIL BONDS REGULATORY DIVISION**

**IN THE MATTER OF THE LICENSURE
OF TONY A. BOSTON
LICENSE NO. 0008393758**

**VOLUNTARY SETTLEMENT
AGREEMENT**

NOW COME, Tony A. Boston (hereinafter "Mr. Boston") and the Bail Bond Regulatory Division of the N.C. Department of Insurance (hereinafter "BBRD"), and hereby voluntarily and knowingly enter into the following Voluntary Settlement Agreement (hereinafter "this Agreement"):

WHEREAS, the BBRD 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. § 58-71-80(a) (5) provides that the Commissioner may deny, place on probation, suspend, revoke, or refuse to renew a license for fraudulent, coercive, or dishonest practices in the conduct of business or demonstrating incompetence, untrustworthiness, or financial irresponsibility in the conduct of business in this State or any other jurisdiction; and

WHEREAS, N.C. Gen. Stat. § 58-71-50 (b) set forth the qualifications of applicants seeking a bail bondsman or runner's license. Subsection (b)(6) thereof requires the applicant to have no current or prior violations of any provision of Article 71 of Chapter 58 of the General Statutes of North Carolina; and

WHEREAS, N.C. Gen. Stat. § 58-71-160(b) provides that the Commissioner may deny the issuance or renewal of any license held by a professional bondsman if, at the time of the application or renewal the bondsman has not complied with a notice of deficiency. The Commissioner may issue the new license or renewal license upon compliance by the professional bondsman with the notice of deficiency; and

WHEREAS, Mr. Boston applied for a Surety Bail Bondsman license on October 20, 2022; and

WHEREAS, BBRD denied Mr. Boston's application on February 07, 2023 for prior violations of the above cited statutes, and Mr. Boston requested a review of the denial on February 09, 2023. A review was scheduled and held on March 02, 2023; and

WHEREAS, That Boston was previously licensed on January 4, 1995, as Surety Bondman, and

was also previously licensed as a Professional Bondsman on May 2, 2011; and

WHEREAS, the Department's records show that Boston had a prior administrative action, namely a fully executed consent order dated January 10, 2011; and

WHEREAS, on or about March 2015, the Department learned that Mr. Boston's monthly reports were inaccurate, and that he failed to report Writ of Executions (Beaufort County) file numbers 13CRS052345- \$10,000.00, 13CRS001098- \$1,000.00 and 13CRS052091-\$3,000.00 for Curtis Jordan; and

WHEREAS, on or about May 7, 2015, an informal conference was held. During this conference Mr. Boston admitted that Mr. Jordan was not listed on his monthly report in October 2013 because Mr. Boston was aware that the writs were deficient. Subsequently, the Department determined that Mr. Boston was in violation of the provisions of N.C. Gen. Stat. § 58-71-175 which prohibits professional bondmen from becoming liable on any bond or multiple of bonds for one individual that totals more than one-fourth of the value of the securities deposited with the Commissioner at that time, until final termination of liability on such bond or multiple of bonds; and

WHEREAS, prior to administrative action for the above-described violation, Mr. Boston failed to renew his Surety and Professional licenses, which lapsed on June 30, 2016; and

WHEREAS, pursuant to N.C. Gen. Stat. § 58-2-70(g), the Commissioner of Insurance and the BBRD 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

WHEREAS, in lieu of an administrative hearing on the matters stated herein, Mr. Boston has agreed to settle, compromise, and resolve the matters referenced in this Agreement, and the BBRD has agreed not to pursue additional civil ramifications; including penalties, sanctions, remedies, or restitution based on these matters against Mr. Boston; and

WHEREAS, Mr. Boston agreed on March 07, 2023 to execute a Voluntary Settlement Agreement and pay a fine 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 Ms. Woods hereby agree to the following:

1. Immediately upon her signing of this document, Mr. Boston 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. Boston shall send the civil penalty by certified mail, return receipt requested, to the BBRD simultaneously with the return of this Agreement, signed by Mr. Boston. The civil penalty and the signed Agreement must be received by the Department no later than **April 17, 2023**. 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. Boston's application for licensure as a


surety bail bondsman and will issue Mr. Boston a surety bondsman's license upon receipt of Mr. Boston'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 \$250.00; and

3. Mr. Boston shall obey all laws and regulations applicable to all licenses issued to him.
4. Mr. Boston enters into this Agreement freely and voluntarily and with knowledge of his right to have an administrative hearing on this matter. Mr. Boston 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. Boston, or in any other cases or complaints involving Mr. Boston.
6. The parties to this Agreement agree that this Agreement shall have the full force and effect of an Order of the Commissioner. Mr. Boston 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.
8. This Settlement Agreement shall become effective when signed by Mr. Boston and the Department.

**N.C. Department of Insurance
Bail Bond Regulatory Division**


By: Tony A. Boston

License No. 0008393758


By: Marty Sumner

Senior Deputy Commissioner

Date: 3/16/2023

Date: 3/21/2023