

**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  
SETTLEMENT**

**VOLUNTARY**

**OF ROBERT B. MYERS  
LICENSE NO. 0012745654**

**AGREEMENT**

**NOW COME**, Robert B. Myers (hereinafter "Mr. Myers") 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**, Mr. Myers holds an active license as a surety bail bondsman issued by the Department; and

**WHEREAS**, NC Gen. Stat. § 58-71-80(a)(5), among other things, provides that the Commissioner may deny, place on probation, suspend, revoke or refuse to renew any license of a licensee 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**, NC Gen. Stat. § 58-71-80(a)(8), among other things, provides that the Commissioner may deny, place on probation, suspend, revoke or refuse to renew any license of a licensee when in the judgment of the Commissioner, the licensee has in the conduct of the licensee's affairs under the license, demonstrated incompetency, financial irresponsibility, or untrustworthiness; and

**WHEREAS**, NC Gen. Stat. § 58-71-140 (d) provides that professional bondsmen, surety bondsmen, and runners shall file with the clerk of court having jurisdiction over the principal and affidavit on a form furnished by the Administrative Office of the Courts which shall include but not limited to: (1) If applicable, a statement that the bondsman has not, nor has anyone for the bondsman's use, been promised or received any collateral security or premium for executing this appearance bond; (2) If promised a premium, the amount of premium promised and the due date; (3) If the bondsman has received a premium, the amount of the premium received; (4) If given collateral security, the name of the person from whom it is received and the nature and amount of the collateral security listed in detail; and

**WHEREAS**, Mr. Myers, in connection with a bond written on Mr. Herman G. Wallace in Cumberland County (17CR54022) improperly completed the Appearance Bond for Pretrial Release (ABPR) form; and

**WHEREAS**, NC Gen. Stat § 58-71-167 provides:

(a) In any case where the agreement between principal and surety calls for some portion of the bond premium payments to be deferred or paid after the defendant has been released from custody, a written memorandum of agreement between the principal and surety shall be kept on file by the surety with a copy provided to the principal, upon request. The memorandum shall contain the following information: (1) The amount of the premium payment deferred or not yet paid at the time the defendant is released from jail. (2) The method and schedule of payment to be made by the defendant to the bondsman, which shall include the dates of payment and amount to be paid on each date. (3) That the principal is, upon the principal's request, entitled to a copy of the memorandum.

(b) The memorandum must be signed by the defendant and the bondsman, or one of the bondsman's agents, and dated at the time the agreement is made. Any subsequent modifications of the memorandum must be in writing, signed, dated, and kept on file by the surety, with a copy provided to the principal, upon request. (1991, c. 644, s. 22.)

**WHEREAS**, Mr. Myers in connection with the bond written on Mr. Wallace violated NC Gen. Stat § 58-71-167 (a) (1), (2), and (3) by improperly completing the appropriate sections of the ABPR; and; and

**WHEREAS**, 11 NCAC 13 .0512(h) provides that all indemnity agreements or other security agreements shall be considered as collateral security and shall be listed and described on the form provided by the Administrative Office of the Courts (Form AOC-CR-201 or its successor) entitled "Appearance Bond for Pretrial Release".

**WHEREAS**, Mr. Myers in connection with the bond written on Mr. Wallace violated 11 NCAC 13 .0512(h) by improperly completing the ABPR with respect to the information requested thereon regarding indemnity or other security agreements; and

**WHEREAS**, 11 NCAC 13.0512(j) provides: All agreements and contracts with defendants or anyone on behalf of the defendant, shall have a form number and the license number of the bail bondsman printed thereon and shall be submitted to the Department for approval according to the standards in these Rules. No such agreements or contracts shall be used by the licensee until written approval has been given by the Department; and

**WHEREAS**, Mr. Myers in connection with the bond written on Mr. Wallace did not comply with the provisions of 11 NCAC 13.0512(j); and

**WHEREAS**, Mr. Myers' actions reflect violations of the provisions of NC Gen. Stat. §§ 58-71-80(a)(5) and (8) for which Mr. Myers' license could be suspended, revoked or non-renewed; 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. Myers admits to the violations set out herein; and

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

1. Immediately upon his signing of this document, Mr. Myers 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." Mr. Myers shall send the civil penalty by certified mail, return receipt requested, to the Department simultaneously with the return of this Agreement, signed by Mr. Myers. The civil penalty and the signed Agreement must be received by the Department no later than **January 31, 2021**. 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. Myers shall return the \$1750.00 premium paid by Mr. Herman Wallace for the bond on Mr. Wallace by **October 17, 2020** and provide evidence of such payment to this Department.
3. As a condition of continuing to be licensed as a surety bail bondsman, Mr. Myers 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 in lieu of current statutory requirements regarding completion of annual continuing education requirements, to be completed no later than **December 31, 2020**, and submit documented verification of such completion to the Department.
4. Mr. Myers enters into this Agreement freely and voluntarily and with knowledge of his right to have an administrative hearing on this matter. Mr. Myers 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. Myers, or in any other cases or complaints involving Mr. Myers.
6. The parties to this Agreement agree that this Agreement shall have the full force and effect of an Order of the Commissioner. Mr. Myers 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. Myers and the Department.

**N. C. Department of Insurance**

  
By: Robert B. Myers

License No. 0012745654

  
By: Marty Sumner

Senior Deputy Commissioner

Date: 1-17-21

Date: 2/1/21