

NORTH CAROLINA DEPARTMENT OF INSURANCE  
RALEIGH, NORTH CAROLINA

STATE OF NORTH CAROLINA	)	BEFORE THE COMMISSIONER
COUNTY OF WAKE	)	OF INSURANCE
	)	
IN THE MATTER OF:	)	
	)	ORDER AND FINAL AGENCY
THE LICENSURE OF JUSTIN	)	DECISION
PARTIN, Respondent.	)	
NPN #: 19381763	)	Docket Number: 2037
	)	
	)	

---

**THIS MATTER** was heard on June 17, 2021, by the undersigned Hearing Officer, designated by the North Carolina Commissioner of Insurance (“Commissioner”) pursuant to N.C. Gen. Stat. § 58-2-55.

The administrative hearing was held in the Albemarle Building, located at 325 North Salisbury Street, Raleigh, Wake County, North Carolina.

Before the administrative hearing, the Petitioner gave notice that it was withdrawing allegations 7 through 9 from the “Allegations and Charges” set out in Section II, Subsection A of the Petition for Summary Suspension and Petition for Administrative Hearing in this matter.

**APPEARANCES**

The Petitioner, the Bail Bond Regulatory Division of the North Carolina Department of Insurance (hereinafter “Petitioner”) was represented by Special Deputy Attorney General, Daniel S. Johnson and Assistant Attorney General James R. Baker.

The Respondent, Justin Partin, was represented by attorney Alan Briones.

**WITNESSES AND EVIDENCE**

At the Hearing, Jeff Blank, a Complaint Analyst with the Petitioner, and Muhammad Choudry testified for the Petitioner.

The Respondent did not call any witnesses at the hearing.

At the Hearing, Petitioner offered into evidence Petitioner’s Exhibits 1 through 11, which were admitted into evidence. Exhibits 1, 2, 3, 4, 7, 8, 9, 10, and 11 were admitted for administrative purposes only.

The Respondent did not offer any exhibits into evidence at the hearing.

### **FINDINGS OF FACT**

Based upon careful consideration of the exhibits admitted into evidence, the entire record in this proceeding, and the credibility and believability of witness testimony at the hearing, including the witnesses' credibility, demeanor, any interests, biases or prejudices, the opportunity of the witnesses to see, hear, know, or remember the facts or occurrences about which the witnesses testified, and whether the testimony of the witnesses are reasonable and consistent with other believable evidence in the case, the undersigned finds as follows:

1. The Respondent has an active surety bail bondsman license and has been licensed as a surety bail bondsman since December 23, 2019.

2. Jeff Blank (hereinafter "Blank") testified that surety bondmen are not connected with a federal agency like the U.S. Marshals' Fugitive Recovery Taskforce.

3. Blank testified that the Respondent was not a U.S. Marshal or a law enforcement officer.

4. Muhammad Choudry (hereinafter "Choudry"), who is also a licensed surety bail bondsman, worked with the Respondent from January 2020 through December of 2020.

5. Almost every week during that time period, Choudry testified that he saw the Respondent attempting to find people who missed a court date.

6. Choudry testified that the Respondent also had another business working security and Choudry also worked with him doing security.

7. Choudry testified that the Respondent carried a knife, pistol, taser, mace, and handcuffs while working security.

8. Choudry testified that the Respondent also wore a patch that said, "U.S. Fugitive Recovery Taskforce."

9. Choudry testified that "U.S. Fugitive Recovery Taskforce was the name of Respondent's business as registered with the North Carolina Secretary of State.

10. Choudry testified that he had seen the Respondent alter a Notice of Bond Forfeiture.

11. Choudry testified that the Respondent had a template of the Notice of Bond Forfeiture form on his computer and that the Respondent would enter an address on the form for the defendant that was different from the address on the Notice of Bond Forfeiture issued by the Court.



12. Choudry testified that the Respondent discussed with him that the reason for changing the address was to be able to go into the house or apartment at the address.

13. Choudry testified that the Respondent used people who were not licensed as bail bondmen to take defendants into custody and that he knew this because they were people who worked security with him.

14. Choudry did not identify or name any unlicensed individuals that Respondent used nor did he testify about any specific time where Respondent used people who were not licensed as bail bondsmen.

15. Choudry also testified that the Respondent was not a U.S. Marshal.

16. A video filmed by Choudry in June 2020 was admitted into evidence as part of Exhibit 6 (hereinafter "the June 2020 video").

17. The June 2020 video displays a date of "6/13/2020" throughout the video.

18. The June 2020 video shows the Respondent dressed in what appears to be body armor on his chest and back, similar to what a law enforcement officer might wear, and with a pistol holstered on his right leg.

19. The June 2020 video shows the Respondent with an unidentified male in handcuffs. The unidentified male is not identified by the Respondent in the June 2020 video nor was he identified by Choudry.

20. In the June 2020 video, the Respondent is speaking with the unidentified male while escorting him towards a car occupied by an unidentified female. The conversation begins with the Respondent telling the unidentified male that he lives in Roanoke Rapids. During the conversation, the Respondent says: "You ask Ray Ramsey who Sargent Matthews is. You ask him who Sargent Matthews is, I'm also a U.S. Marshal. Don't let this security fool you, I'm also a U.S. Marshal." The Respondent later says, "I used to work for Ray Ramsey before I went to law enforcement school."

21. The June 2020 video does not show the entire interaction between the Respondent and the unidentified male, making the full context for the statements unclear but from what is shown in the June 2020 video, they were made while the unidentified male was in the custody of the Respondent and appeared unrelated to the unidentified male being in the Respondent's custody. No further context was given for why the Respondent made the statements.

22. A second video filmed by Choudry was admitted to evidence as part of Exhibit 6 (hereinafter "the second video").

23. There was no date visible on the second video and there was no testimony about when the second video was recorded or when the events shown on the second video occurred.

24. The second video showed the Respondent talking with an unidentified woman at a house attempting to gain entry to the house.

25. Choudry testified that the video showed the Respondent talking to "the mother of the defendant." No additional evidence was provided regarding who the mother was.

26. The Respondent stated the name "Antwan" several times in the video but no other evidence was provided regarding who the defendant was.

27. In the second video, the Respondent states he had a warrant.

28. Choudry testified that the warrant was a bond forfeiture notice and that he had witnessed the Respondent alter the bond forfeiture notice. He offered no testimony as to what the address was on the original bond forfeiture notice or what address the Respondent placed on the altered bond forfeiture notice.

29. The bond forfeiture notice referenced by Choudry while discussing the second video was never specifically identified nor offered into evidence.

30. Neither the June 2020 video nor the second video show an unlicensed individual helping the Respondent.

31. No evidence was presented as to who the alleged unlicensed individuals were or when the Respondent used unlicensed individuals.

32. No evidence was presented that the Respondent wore a shield.

33. No evidence was presented of any bond forfeiture notice that was altered or that displayed an address on it that was different from the address shown on the bond forfeiture notice contained in a court file.

34. No evidence was presented of any bond forfeiture notice that had an address on it that had been altered.

### **CONCLUSIONS OF LAW**

Based on the foregoing findings of fact, the undersigned concludes as a matter of law:

1. This matter is properly before the Commissioner and the Commissioner has jurisdiction over the parties and the subject matter pursuant to N.C. Gen. Stat.



§§ 58-2-55, 58-71-80, 150B-38 and 150B-40, as well as 11 NCAC 01 .0416 et seq. and other applicable statutes and regulations.

2. The Petitioner has the burden of proof in this matter. See *Johnson v. Johnson*, 229 N.C. 541, 544, 50 S.E.2d 569, 572 (1948).

3. The Petitioner must prove its allegations by a preponderance of the evidence. *Adams v. Bank United of Tex. FSB*, 167 N.C. App. 395, 401, 606 S.E.2d 149, 154 (2004) (“However, in North Carolina, a preponderance of the evidence quantum of proof applies in civil cases unless a different standard has been adopted by our General Assembly or approved by our Supreme Court.”).

4. “This preponderance does not mean the number of witnesses nor the mere volume of testimony, but refers to the reasonable impression made upon the minds of the jury by the entire evidence, taking into consideration the character and demeanor of the witness, their interest or bias and means and knowledge, and other attending circumstances.” *Hodges v. Southern R. Co.*, 122 N.C. 992, 994, 29 S.E. 939, 939 (1898).

5. Pursuant to N.C. Gen. Stat. § 58-71-80(a)(5), the Commissioner may deny, place on probation, suspend, revoke, or refuse to renew any license issued under Chapter 58, Article 71 of the General Statutes 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.

6. Pursuant to N.C. Gen. Stat. §58-71-80(a)(7), the Commissioner may deny, place on probation, suspend, revoke, or refuse to renew any license issued under Chapter 58, Article 71 of the General Statutes for failure to comply with or violation of the provisions of Chapter 58, Article 71 of the General Statutes or of any order, subpoena, rule or regulation of the Commissioner or person with similar regulatory authority in another jurisdiction.

7. Pursuant to N.C. Gen. Stat. § 58-71-80(a)(8), the Commissioner may deny, place on probation, suspend, revoke, or refuse to renew any license issued under Chapter 58, Article 71 of the General Statutes 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; or that the licensee is no longer in good faith carrying on the bail bond business; or that the licensee is guilty of rebating, or offering to rebate, or offering to divide the premiums received for the bond.

8. Pursuant to N.C. Gen. Stat. § 58-71-80(a)(14b), the Commissioner may deny, place on probation, suspend, revoke, or refuse to renew any license issued under Chapter 58, Article 71 of the General Statutes for violation of (i) any law governing

bail bonding or insurance in this State or any other jurisdiction or (ii) any rule of the Financial Industry Regulatory Authority (FINRA).

### **Impersonating a Law-enforcement Officer and Falsely Representing Connection to a Federal Agency**

9. Pursuant to N.C. Gen. Stat. § 58-71-95(8), no bail bondsman or runner shall impersonate a law-enforcement officer.

10. Pursuant to N.C. Gen. Stat. § 58-71-95(9), no bail bondsman or runner shall falsely represent that the bail bondsman or runner is in any way connected with an agency of the federal government or of a state or local government.

11. While N.C. Gen. Stat. §§ 58-71-95(8) and 58-71-95(9) do not specify what amounts to impersonating a law-enforcement officer, guidance can be found in our criminal statutes.

12. N.C. Gen. Stat. § 14-277 states in part:

(a) No person shall falsely represent to another that he is a sworn law-enforcement officer. As used in this section, a person represents that he is a sworn law-enforcement officer if he:

- (1) Verbally informs another that he is a sworn law-enforcement officer, whether or not the representation refers to a particular agency;
- (2) Displays any badge or identification signifying to a reasonable individual that the person is a sworn law-enforcement officer, whether or not the badge or other identification refers to a particular law-enforcement agency;
- (3) Unlawfully operates a vehicle on a public street, highway or public vehicular area with an operating red light as defined in G.S. 20-130.1(a); or
- (4) Unlawfully operates a vehicle on a public street, highway, or public vehicular area with an operating blue light as defined in G.S. 20-130.1(c).

(b) No person shall, while falsely representing to another that he is a sworn law-enforcement officer, carry out any act in accordance with the authority granted to a law-enforcement officer. For purposes of this section, an act in accordance with the authority granted to a law-enforcement officer includes:

- (1) Ordering any person to remain at or leave from a particular place or area;
- (2) Detaining or arresting any person;



- (3) Searching any vehicle, building, or premises, whether public or private, with or without a search warrant or administrative inspection warrant;
- (4) Unlawfully operating a vehicle on a public street or highway or public vehicular area equipped with an operating red light or siren in such a manner as to cause a reasonable person to yield the right-of-way or to stop his vehicle in obedience to such red light or siren;
- (5) Unlawfully operating a vehicle on a public street or highway or public vehicular area equipped with an operating blue light in such a manner as to cause a reasonable person to yield the right-of-way or to stop his vehicle in obedience to such blue light.

....

13. On June 13, 2020, the Respondent impersonated a law-enforcement officer when he, while wearing body armor and holstered gun, twice told the unidentified male shown in the June 2020 video, who was in handcuffs at the time, that he was also a U.S. Marshal, in violation of N.C. Gen. Stat. § 58-71-95(8).

14. The violation of N.C. Gen. Stat. § 58-71-95(8) is a violation of the provisions of Chapter 58, Article 71 of the General Statutes, for which the Respondent's surety bail bondsman license may be suspended or revoked pursuant to N.C. Gen. Stat. § 58-71-80(a)(7).

15. The violation of N.C. Gen. Stat. § 58-71-95(8) is a violation of a law governing bail bonding in this State for which the Respondent's surety bail bondsman license may be suspended or revoked pursuant to N.C. Gen. Stat. § 58-71-80(a)(14b).

16. On June 13, 2020, the Respondent falsely represented to another that he was connected to an agency of the federal government, the U.S. Marshals, when he, while wearing body armor and holstered gun, twice told the unidentified male shown in the June 2020 video, who was in handcuffs at the time, that he was also a U.S. Marshal, in violation of N.C. Gen. Stat. § 58-71-95(9).

17. The violation of N.C. Gen. Stat. § 58-71-95(9) is a violation of the provisions of Chapter 58, Article 71 of the General Statutes, for which the Respondent's surety bail bondsman license may be suspended or revoked pursuant to N.C. Gen. Stat. § 58-71-80(a)(7).

18. The violation of N.C. Gen. Stat. § 58-71-95(9) is a violation of a law governing bail bonding in this State for which the Respondent's surety bail bondsman license may be suspended or revoked pursuant to N.C. Gen. Stat. § 58-71-80(a)(14b).

19. By falsely representing to the unidentified male that he was a U.S. Marshal, the Respondent demonstrated fraudulent, coercive and dishonest practices

in the conduct of business in this State, in violation of N.C. Gen. Stat. § 58-71-80(a)(5) and for which his license may be suspended or revoked.

20. By falsely representing to the unidentified male that he was a U.S. Marshal, the Respondent has in the conduct of his affairs under his licensee, demonstrated untrustworthiness, in violation of N.C. Gen. Stat. § 58-71-80(a)(8) and for which his license may be suspended or revoked.

21. Each violation by itself is sufficient to support the suspension or revocation of the Respondent's license.

22. A surety bail bondsman falsely representing himself as a law enforcement officer or that he is connected to an agency of the federal government is particularly serious because a surety bail bondsman has the authority to arrest a defendant, a power usually associated with law enforcement officers.

23. A surety bondsman falsely representing himself as a law enforcement officer or that he is connected to an agency of the federal government to an individual that is in his custody is a particularly serious offense because a surety bail bondsman has the authority to arrest a defendant, a power usually associated with law enforcement officers.

### **Possessing or Wearing an Unauthorized Shield**

24. N.C. Gen. Stat. § 58-71-40(d1) states:

While engaged in official duties, a licensee is authorized to carry, possess, and display a shield as described in this subsection. The shield shall fulfill all of the following requirements:

- (1) Be an exact duplicate in size, shape, color, and design of the shield approved under G.S. 74C-5(12) and pictured in 12 NCAC 07D. 0405 on May 1, 2013, except that the design may be altered by stamping, inlaying, embossing, enameling, or engraving to accommodate the license number. With respect to size of the shield, the shield shall be 1.88 inches wide and 2.36 inches high.
- (2) Include the licensee's last name and corresponding license number in the same locations as the shield referenced in subdivision (1) of this subsection.
- (3) With reference to the shield described in subdivision (1) of this subsection, in lieu of the word "Private," the shield shall have the words "North Carolina," and in lieu of the word "Investigator," the shield shall have the words "Bail Agent."



Any shield that deviates from the design requirements as specified in this section shall be an unauthorized shield and its possession by a licensee shall constitute a violation of the statute by the licensee.

25. The Petitioner has failed to show by a preponderance of the evidence that the Respondent violated N.C. Gen. Stat. § 58-71-40(d1).

### **Aiding and Abetting Others to Evade or Violate the Provisions of Article 71**

26. Pursuant to N.C. Gen. Stat. § 58-71-80(a)(14), the Commissioner may deny, place on probation, suspend, revoke, or refuse to renew any license issued under Chapter 58, Article 71 of the General Statutes for knowingly aiding or abetting others to evade or violate the provisions of this Article.

27. The Petitioner has failed to show by a preponderance of the evidence that the Respondent violated N.C. Gen. Stat. § 58-71-80(a)(14).

### **Allegations of Altering Notices of Forfeiture**

28. Pursuant to N.C. Gen. Stat. § 58-71-80(a)(5), the Commissioner may deny, place on probation, suspend, revoke, or refuse to renew any license issued under Chapter 58, Article 71 of the General Statutes 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.

29. Pursuant to N.C. Gen. Stat. § 58-71-80(a)(8), the Commissioner may deny, place on probation, suspend, revoke, or refuse to renew any license issued under Chapter 58, Article 71 of the General Statutes 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; or that the licensee is no longer in good faith carrying on the bail bond business; or that the licensee is guilty of rebating, or offering to rebate, or offering to divide the premiums received for the bond.

30. The Petitioner has failed to show by a preponderance of the evidence that the Respondent used a template to alter AOC bond forfeiture notices, in violation of N.C. Gen. Stat. §§ 58-71-80(a)(5) and 58-71-80(a)(8).

**FINAL AGENCY DECISION AND ORDER**

Based upon the foregoing Findings of Fact and Conclusions of Law, the undersigned hereby determines that the violations found are sufficiently serious to support the revocation of the Respondent's surety bail bondsman license.

Therefore, it is ORDERED that the surety bail bondsman license issued to the Respondent, Justin Partin, is REVOKED.

This the 13th day of September, 2021.

A large black rectangular redaction box covering the signature of Robert D. Croom.

---

Robert D. Croom, Hearing Officer



### APPEAL RIGHTS

This is a Final Agency Decision issued under the authority of N.C. Gen. Stat. § 150B, Article 3A.

Under the provisions of N.C. Gen. Stat. § 150B-45, any party wishing to appeal a final decision of the North Carolina Department of Insurance must file a Petition for Judicial Review in the Superior Court of the County where the person aggrieved by the administrative decision resides, or in the case of a person residing outside the State, the county where the contested case which resulted in the final decision was filed. The appealing party must file the petition within 30 days after being served with a written copy of the Order and Final Agency Decision. In conformity with the 11 NCAC 1.0413 and N.C.G.S. § 1A-1, Rule 5, this Order and Final Agency Decision was served on the parties on the date it was placed in the mail as indicated by the date on the Certificate of Service attached to this Order and Final Agency Decision. N.C. Gen. Stat. § 150B-46 describes the contents of the Petition and requires service of the Petition on all parties. The mailing address to be used for service on the Department of Insurance is: **A. John Hoomani, General Counsel, 1201 Mail Service Center, Raleigh, NC 27699-1201.**

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this day I have served a copy of the foregoing ORDER AND FINAL AGENCY DECISION by mailing a copy of the same via first-class U.S. Mail addressed as follows:

Alan Briones  
Attorney at Law  
P.O. Box 1282  
Raleigh, NC 27605

*Respondent*

I HEREBY CERTIFY that on this day I have served a copy of the foregoing ORDER AND FINAL AGENCY DECISION by via State Courier, addressed as follows:

James R. Baker  
Assistant Attorney General  
N.C. Department of Justice  
Insurance Section  
9001 Mail Service Center  
Raleigh, NC 27699

Daniel S. Johnson  
Assistant Attorney General  
N.C. Department of Justice  
Insurance Section  
9001 Mail Service Center  
Raleigh, NC 27699

*Attorneys for the Petitioner*

This the 15<sup>th</sup> day of September, 2021.

[REDACTED]

Mary Faulkner  
Paralegal II  
N.C. Department of Insurance  
General Counsel's Office  
1201 Mail Service Center  
Raleigh, NC 27699-1201