

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

STATE OF NORTH CAROLINA)	BEFORE THE COMMISSIONER OF
COUNTY OF WAKE)	INSURANCE
)	
)	
IN THE MATTER OF THE LICENSURE)	VOLUNTARY SETTLEMENT
OF CHARLES BERNARD SHAW)	AGREEMENT
LICENSE NO. 0016200836		

NOW COME, Charles Bernard Shaw (hereinafter "Mr. Shaw") 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 the insurance laws of this State, and for regulating and licensing bail bondsmen; and

WHEREAS, Mr. Shaw currently 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 N.C. General Statutes or of any order, rule or regulation of the Commissioner; and

WHEREAS, N.C. Gen. Stat. § 58-71-40 (a) provides that no person shall act in the capacity of a professional bondsman, surety bondsman, or runner or perform any of the functions, duties, or powers prescribed for professional bondsmen, surety bondsmen, or runners unless that person is qualified and licensed; and

WHEREAS, Mr. Shaw assisted in the apprehension of Jeremy Tyrone Lewis, who had breached the terms of his bail bond agreement, missed his court date, and was sought to be surrendered, on July 5, 2017 while Mr. Shaw was not licensed by the Department as a surety bondsman, and was therefore in violation of N.C. Gen. Stat. § 58-71-40(a); and

WHEREAS, Mr. Shaw applied for and was issued a surety bondsman license by the Department on November 4, 2017; and

WHEREAS, Mr. Shaw's conduct on July 5, 2017 reflects an action that would be a cause sufficient to deny, suspend, or revoke his license under any other provision of Article 71 as provided in N.C. Gen. Stat. § 58-71-80 (a) (1); and

WHEREAS, Mr. Shaw's conduct constitutes grounds for which issuance of his license could have been refused had it then existed and had been known to the Commissioner at the time of the issuance of his surety bondsman license on November 4, 2017, as provided in N.C. Gen. Stat. § 58-71-80 (a) (15); and

WHEREAS, Mr. Shaw's violations of N.C. Gen. Stat. § § 58-71-40, 58-71-80 (a) (1), and 51-71-80 (a) (15) 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. Shaw's surety bail bondsman's license could be revoked, suspended or not renewed pursuant to N.C. Gen Stat. § 58-71-80(a)(7); and

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

1. Immediately upon his signing of this document, Mr. Shaw shall pay a **civil penalty of \$1,500.00** 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. Shaw shall send the civil penalty by certified mail, return receipt requested, to the Department simultaneously with the return of this Agreement, signed by Mr. Shaw. The civil penalty and the signed Agreement must be received by the Department no later than **July 6, 2018**. 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. Shaw shall obey all laws and regulations applicable to all licenses issued to him.

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

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


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

6. 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.

7. This Settlement Agreement shall become effective when signed by Mr. Shaw and the Department.

N.C. Department of Insurance



By: Charles Bernard Shaw
License No. 0016200836



By: Marty Sumner
Deputy Commissioner

Date: 7-5-18

Date: 7-10-18