



NC DEPARTMENT OF THE SECRETARY OF STATE  
NORTH CAROLINA LOBBYING COMPLIANCE DIVISION  
COMPLAINT FORM

Mail to: North Carolina Lobbying Compliance Division  
P.O. Box 29622  
Raleigh, N.C. 27626-0622

Or fax to: (919) 807-2205

Or email to: [lobbyistfiling@sosnc.com](mailto:lobbyistfiling@sosnc.com)

You may use this form to send a complaint about a lobbying violation to the Lobbying Compliance Division. The information requested on this form is the kind of information that has proved helpful in investigating a violation of the lobbying laws in past cases. If you need additional space, please attach extra sheets and number the extra responses to correspond with the associated questions.

1. **WHO is this complaint about?** (It can be a person or a business or other entity.)  
Please provide all the information you can.

Name of the Person or Entity: Mark L. Bibbs

Street Address: 410 N. BOYLAN AVENUE  
Mailing Address if different:

City: RALEIGH State: NC Zipcode: 27603  
Telephone Number: ( ) 919-256-3775 or 252-265-1982  
If you know, what's the best time of day to call:  
Email Address and/or website address: bibbstawgroup@gmail.com

2. **Information about You** (This information is requested so we can contact you if we have questions.)

(Mr.) or Ms.: C. ROBERT BRAWLEY

Mailing Address: 1030 OAK RIDGE FARM HWY.

City: MOORESVILLE State: NC Zipcode: 28115  
Your Telephone Number: 704-658-8511 Work Telephone Number  
Cellphone Number: 704-658-8511  
Which is the best number to reach you? (Please check one only) Home  Work  Cell   
What time of day is best to call you at that number?  
Email Address: crobertb@abts.net

**Information about what the person is doing that may violate the Lobbying Act:**

3. Please Describe the Activity for Which You are Complaining? (Please provide the dates, times, and locations of the activity for which you are complaining).

Please tell us what you are complaining about. Be as specific as you can. For example, if you think someone should have registered as a lobbyist, tell us why. Tell us when you saw the person, where he or she was at the time, who they were lobbying, etc. The more detail you give us, the better.

OR If you are complaining because you think someone should be registered as a lobbyist and has not, please provide as much detail as you can: When, where and who did you see the person lobbying? Was it a onetime thing? Etc.

SEE MY COVER LETTER WHICH INCLUDES  
ATTACHED DOCUMENTATION THAT SHOWS  
DATES, TIMES AND PERSONS BEING  
LOBBIED BY MR. BIBBS.  
THESE ARE ACTUAL DOCUMENTS WHICH  
APPEAR TO HAVE BEEN SENT OUT BY  
MR. BIBBS.

(Please Attach Additional Sheets if Necessary)

Date: \_\_\_\_\_

Signature: \_\_\_\_\_

C. Robert Brawley  
1030 Oak Ridge Farm Hwy  
 Mooresville, N.C. 28115

July 27, 2016

State Ethics Commission  
1324 Mail Service Center  
Raleigh, North Carolina 27699-1324

Lobbying Compliance Division  
Department of the Secretary of State  
PO Box 29622  
Raleigh, North Carolina 27626-0626

Re: Complaint against Mark L. Bibbs et al.

To Whom It May Concern:

I hereby write to initiate a complaint against Mark L. Bibbs, an individual acting as a lobbyist, while not being properly registered, during the last session of our General Assembly.

On more than one occasion Mr. Bibbs has appeared at the North Carolina General Assembly claiming to represent Cannon Surety, LLC (hereinafter referred to as "Cannon") and while openly lobbying against Senate Bill 508.

Mr. Bibbs has repeatedly sent advertisements through emails, attached hereto, soliciting clients while actively lobbying and while promoting his lobbying efforts.

Mr. Bibbs has sent multiple emails to members of the North Carolina General Assembly, attached hereto, while attempting to lobby and without being properly registered.

As a principal member of Cannon, that serves as its corporate secretary, responsible for maintaining the minutes, I was not made aware of any contracts regarding Mr. Bibbs. As a voting member of the LLC, I can attest to the fact that proper authorization was not given for Mr. Bibbs to engage in lobbying activities on behalf of Cannon as "principal."

Lastly, I understand that Mr. Bibbs may have been registered from time-to-time. It appears that he did register after the session was over and on July 8, 2016.

**He was not registered during the time he engaged in lobbying activities on Senate Bill 508.**

It should therefore be pointed out that Dallas McClain the “Principal Authorized Officer” shown on Mr. Bibbs’ aforementioned recent registration, was also accompanying the unregistered Mr. Bibbs during committee meetings on Senate Bill 508.

I would ask that Mr. McClain’s actions be looked at and a determination be made whether or not he was in violation of any of the statutes which would apply.

Mr. McClain is a manager of Cannon and a principal of the North Carolina Bail Academy. The North Carolina Bail Academy is also referenced throughout Mr. Bibbs’ attached advertisements.

As corporate secretary of Cannon, I unequivocally state that Mr. Bibbs is not authorized to represent Cannon at the North Carolina General Assembly. I further ask that the Ethics Commission require Mr. Bibbs to provide me with copies of any canceled checks, receipts, and invoices, he has, which would show who paid him while he was engaged in his unregistered activities.

On July 19, 2016, Mr. Bibbs initiated a Complaint in Wake County Superior Court under *16CV009228*, filed on behalf of the Rockford-Cohen Group, LLC “RCG” and Lynette Thompson, Plaintiffs, wherein it was alleged: “...*that RCG has a great presence at the North Carolina General Assembly, by meeting with members personally and attending all important committee meetings dealing with bail bond issues.*” Ms. Thompson is also a member of Cannon and while she is partners with Mr. McClain in the North Carolina Bail Academy. Ms. Thompson addressed the Senate Bill 508 committee, speaking in opposition to the bill.

If it is determined that Mr. McClain has engaged in wrongful activity, I ask that Ms. Thompson, who accompanied Mr. McClain and Mr. Bibbs during the committee meetings, also be looked at for possible violations.

My supporting documentation against Mr. Bibbs includes:

- 1) Recorded transcripts of SB 508 committee meetings which can be obtained from the North Carolina General Assembly;
- 2) Attached emails from Mark L. Bibbs to SB 508 committee members showing lobbying;
- 3) Attached email advertisements from Mark L. Bibbs showing “*Lawyer and Lobbyist for the North Carolina Bail Academy and Cannon Surety, LLC*”;
- 4) Attached email response to Phillip Bradshaw from the North Carolina Secretary of State stating: “*We have searched our database. Currently, Mr. Mark L. Bibbs is not registered to lobby for 2016.*”
- 5) Attached *Wake County 16CV009228*, page 4 paragraph 23

Sincerely,

Robert Brawley



**From:** Mark Bibbs <[bibbslawgroup@gmail.com](mailto:bibbslawgroup@gmail.com)>

**Date:** June 14, 2016 at 8:35:47 PM EDT

**To:** [cdenning@ncbar.org](mailto:cdenning@ncbar.org)

**Subject:** Logic, Reason & Common Sense Opposition to SB 508

Representative,

I wanted to further explain why Senate Bill 508 is a terrible piece of proposed legislation, a poorly drafted and ill conceived idea that should be void as a matter public policy.

When I was a first year law student at UNC-Chapel Hill 24 years ago in 1992, we were taught about a legal phrase that the United States Supreme Court established in the case of International Shoe Company vs. Washington. That phrase is the notion of "fair play and substantial Justice."

Now how does that apply here to Senate Bill 508 you might ask? Because our court system and our sense of justice only works when all the actors in North Carolina's Uniform Court System are treated equally, fairly and play by the same rules.

Today an email blast was sent out by the North Carolina Bail Agents Association (NCBAA) supporting Senate Bill 508. That's the same group that you may remember sought passage of an unfair law back in 2012 that created a monopoly for them to be the sole approved provider of Continuing Education for all bail bondsmen in North Carolina.

One of my clients sued the NCBAA, and the courts of our State found that law, which was passed at the last minute in June of the Short Session of 2012, around this same time frame, violated the North Carolina State Constitution by creating an unconstitutional monopoly.

Now that same NCBAA is behind Senate Bill 508. Why? One word. GREED. Pure and simple. Good old fashioned greed. The same greed by the NCBAA that led them to coax our legislature in passing something that a unanimous North Carolina Supreme Court refused to hear the appeal in, thereby upholding the lower court's unanimous ruling, finding that having ONLY the NCBAA as the only provider to teach continuing education to bail bondsmen was unconstitutional.

So why is Senate Bill 508 greedy? Here is why. In this state, a bail bondsman can charge a maximum of fifteen (15%) percent fee/bond premium of the face amount of a bond set for a criminal defendant's release.

Let's use the figure for illustration purposes here of a bond set at one-hundred thousand dollars (\$100,000.00). Bail bondsman A bonds out Defendant X. Bail bondsman A gets a fee of \$15,000.00 from the Defendant X to bail him out of jail. That \$15,000.00 is NOT refundable once Defendant X is released from jail, unless bail bondsman A puts that Defendant X back in jail for no justifiable reason.

Bail bondsman A is supposed to make sure to the State that Defendant X is in court to stand trial for the offense for which Defendant X is charged. Now Defendant X has a court date of July 1st. He doesn't show up. Judge Y issues an Order for his arrest and an Order of Bond Forfeiture on the bond of \$100,000.00. Judge Y then sets a bond of \$200,000.00 CASH ONLY if and when Defendant X is brought back into custody. Following me here?

Now the Sheriff in that county is looking for Defendant X. All law enforcement is. However, Defendant X has fled North Carolina and is in the state of New York. Who has an interest in going there to get him and bring him back? The Sheriff on limited resources? No. The bail bondsman that stood the bond and the surety/insurance company? Correct! They have \$100,000.00 on the line and have a very serious reason (100,000 of them) to go to New York and get Defendant X.

The law in North Carolina gives the bail bondsman and the surety/insurance company 150 days to bring him back into the custody of the Sheriff OR pay the court \$100,000.00. Then that \$100,000.00 IF it has to be paid, goes to the School Board in that county. Now in this scenario, the bail bondsman and the surety/insurance company will search Heaven and Earth until they find him and bring him back to face justice rather than have to pay \$100,000.00.

Now consider the same set of facts. Under Senate Bill 508, after 3 years and Defendant X's case is still pending for any number of many reasons, bail bondsman A and the surety/insurance company is relieved of ANY responsibility on the \$100,000.00 bond. They were paid \$15,000.00 by Defendant X to bond him out and they did so.

Now Defendant X skips court AFTER bail bondsman A is relieved of the responsibility of the \$100,000.00 bond. Defendant X flees to the state of New York. Who goes to find him and bring him back to North Carolina? Correct again, NOBODY!!!

Now let's see who loses under that scenario?: (1) any victim of Defendant X; (2) the state of North Carolina and the District Attorney's Office; (3) the local county school board; (4) the defense attorney who most likely hasn't been paid in full yet; and (5) the people of the state of North Carolina.

Now who wins?: (1) the bail bondsman and the surety/insurance company. They get to keep their fee of \$15,000.00 and ride off into the sunset to bond out another criminal defendant.

Make no mistake, Senate Bill 508 stands for this ONE purpose, and this ONE purpose ONLY. Now, it has some other language so the principal reason for its existence is camouflaged. It has some irrelevant goals masquerading as legitimate purposes. Do not be tricked by that sneaky tactic.

Remember that this is the same group who camouflaged an unconstitutional monopoly bill 4 years ago and got that General Assembly in 2012, to buy into it, claiming efficiency, cost containment, proper supervision and oversight, just to mention a few buzz words that they used back then and are recycling again this time around in their effort to pass Senate Bill 508.



Now consider this. When our Superior Court Judges give instructions to juries in North Carolina, they instruct the jury that their verdict must be based on reason and common sense, arising from some or all of the evidence that has been presented at trial.

They are to use the same test of truthfulness and common sense that they use in their everyday affairs. I ask you to apply that same standard of reason and common sense, combined with the notion of substantial justice and fair play.

If you do that, then you will find that Senate Bill 508 lacks logic, reason and common sense, does nothing to promote substantial justice, and is ONLY fair play for some money chasing bail bondsmen and surety/insurance companies who seek to profit big from this very bad proposed legislation.

You may ask yourself why is a lobbyist who represents bail bondsmen and surety companies opposed to this? Good and fair question. Here is the answer. My clients and I believe in a fair system of justice that works for everyone. Greed is bad. Greed is wrong in every form. We want to keep a level playing field for all actors in our court system. We want to be upfront and honest with you and not play "hide the ball."

When we support a piece of legislation, we want you to trust us because we feel that it would be the right thing to do for all involved. Not lopsided and only beneficial for our financial interests. Not for greed. Rather, because it's good public policy, and it's good for North Carolina.

My grandfather used to tell me something that may be applicable here. You will hear the other side, supporters of this bill and the NCBAAs complaining that we are wrong. They will be loud and vociferous in this case for the passage of Senate Bill 508.

My grandfather used to tell me: " Son, when you throw a rock into a pack of dogs, the dog that barks the loudest, is the one that got hit." Consider who is barking the loudest FOR Senate Bill 508.

We respectfully ask you to vote NO on this bill.

All my very best regards,

Mark L. Bibbs

(O) [919.256.3775](tel:919.256.3775)

(C) [252-205-1982](tel:252-205-1982)

(F) [919-256-3739](tel:919-256-3739)

[bibbslawgroup@gmail.com](mailto:bibbslawgroup@gmail.com)

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**From:** Mark Bibbs <[bibbslawgroup@gmail.com](mailto:bibbslawgroup@gmail.com)>

**Date:** June 15, 2016 at 10:24:40 AM EDT

**To:** Rebecca Shigley <[rebecca.shigley@ncdoi.gov](mailto:rebecca.shigley@ncdoi.gov)>, Angela Hatchell <[Angela.Hatchell@ncdoi.gov](mailto:Angela.Hatchell@ncdoi.gov)>, Angela Ford <[angela.ford@ncdoi.gov](mailto:angela.ford@ncdoi.gov)>, Ben Popkin <[ben.popkin@ncdoi.gov](mailto:ben.popkin@ncdoi.gov)>, Daniel Johnson <[djohnson@ncdoj.gov](mailto:djohnson@ncdoj.gov)>

**Subject:** Logic, Reason & Common Sense Opposition to SB508

My DOI friends,

I thought that you should see the email that I sent out yesterday to members of the House J3 committee:

**Representative X:**

I wanted to further explain why Senate Bill 508 is a terrible piece of proposed legislation, a poorly drafted and ill conceived idea that should be void as a matter public policy.

When I was a first year law student at UNC-Chapel Hill 24 years ago in 1992, we were taught about a legal phrase that the United States Supreme Court established in the case of International Shoe Company vs. Washington. That phrase is the notion of "fair play and substantial Justice."

Now how does that apply here to Senate Bill 508 you might ask? Because our court system and our sense of justice only works when all the actors in North Carolina's Uniform Court System are treated equally, fairly and play by the same rules.

Today an email blast was sent out by the North Carolina Bail Agents Association (NCBAA) supporting Senate Bill 508. That's the same group that you may remember sought passage of an unfair law back in 2012 that created a monopoly for them to be the sole approved provider of Continuing Education for all bail bondsmen in North Carolina.

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Now that same NCBAA is behind Senate Bill 508. Why? One word. GREED. Pure and simple. Good old fashioned greed. The same greed by the NCBAA that led them to coax our legislature in passing something that a unanimous North Carolina Supreme Court refused to hear the appeal in, thereby upholding the lower court's unanimous ruling, finding that having ONLY the NCBAA as the only provider to teach continuing education to bail bondsmen was unconstitutional.

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We respectfully ask you to vote NO on this bill.

All my very best regards,

Mark L. Bibbs

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(C) [252-205-1982](tel:252-205-1982)

(F) [919-256-3739](tel:919-256-3739)

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**From:** Mark Bibbs <[bibbslawgroup@gmail.com](mailto:bibbslawgroup@gmail.com)>

**Date:** June 27, 2016 at 8:14:42 PM EDT

**To:** [ted.davis@ncleg.net](mailto:ted.davis@ncleg.net), [sarah.stevens@ncleg.net](mailto:sarah.stevens@ncleg.net), [duane.hall@ncleg.net](mailto:duane.hall@ncleg.net),  
[rena.turner@ncleg.net](mailto:rena.turner@ncleg.net), [john.bell@ncleg.net](mailto:john.bell@ncleg.net), [rayne.brown@ncleg.net](mailto:rayne.brown@ncleg.net),  
[george.cleveland@ncleg.net](mailto:george.cleveland@ncleg.net), [jean.farmer-butterfield@ncleg.net](mailto:jean.farmer-butterfield@ncleg.net), [kelly.hastings@ncleg.net](mailto:kelly.hastings@ncleg.net),  
[craig.horn@ncleg.net](mailto:craig.horn@ncleg.net), [verla.insko@ncleg.net](mailto:verla.insko@ncleg.net), [chris.sgro@ncleg.net](mailto:chris.sgro@ncleg.net),  
[michael.speciale@ncleg.net](mailto:michael.speciale@ncleg.net), [lee.zachary@ncleg.net](mailto:lee.zachary@ncleg.net), "Rep. Pricey Harrison"  
<[Pricey.Harrison@ncleg.net](mailto:Pricey.Harrison@ncleg.net)>

**Subject:** **Re: Opposition To PCS for Senate Bill 508 - A BAD BAD BILL**

Members of the House Judiciary III Committee:

I was just informed that the proponents of Senate Bill 508 are making statements that a new PCS for Senate Bill 508 has now taken out the part that my clients and I oppose. That being the 36 months expiration of bail bonds provision. If that provision is removed, we are still opposed to Senate Bill 508 because it does several other bad things:

First, it adds a new provision that allows the NC Department of Insurance to suspend, revoke or not renew a bail bondmen's license for a federal tax lien. We agree that should procedure should continue to be the case for STATE income taxes and child support. However, we remain opposed to the state of North Carolina becoming a collection agent for the IRS. That collection activity will NOT be reciprocated by the federal government. The federal government won't collect state dollars for North Carolina. Why should we do so for the federal government? The law in our state should remain as it is, unchanged. This provision needs to fail.

Second, Section 3, subsection D, adds a new provision that allows the NC Department of Insurance to pursue regulatory action against a bail bondsman even AFTER that bondsman's license is surrendered or has lapsed. Basically it wastes taxpayer money to attempt to continue administrative action once the NC Department of Insurance no longer has any jurisdiction over that bail bondsman. There is NO need if that bail bondsman has surrendered his/her license or has allowed it to lapse. That new provision is totally unnecessary and a waste of tight budgetary dollars. This provision needs to fail.

Third, Section 3, subsection E, deprives bail bondsmen who have an active license of their constitutional right to due process. It adds a NEW provision that allows the NC Department of Insurance to summarily suspend the license of a bail agent, WITHOUT AND BEFORE, a full evidentiary hearing for a very unspecified, arbitrary, capricious and nebulous reason. Which essentially means NO GOOD faith based reason. That is plain wrong and amounts to an unconstitutional taking of property rights without due process of law. This provision needs to fail.

Finally, section 2 creates a new provision that would cut off a Surety company's ability, along with an individual bail bondsman's, ability, to work and write bail bonds by making an otherwise local, county by county rule of stopping the writing of bail bonds until a bond forfeiture is paid in full, apply statewide, rather than the way it works now, which is ONLY in the county where the bond was originally written. This would be a mistake. It would create an instant headache for Surety companies statewide. A Surety's agent in the mountains would have NO way of knowing



that because of a \$500 bond forfeiture not being paid in a coastal county, their ability to write a bond in the mountain counties, the piedmont or the coastal pain counties. This would hamper the administration of justice and lead to the overcrowding of our county jails. This provision needs to fail as well.

In conclusion, Senate Bill 508 is a BAD BILL in every respect. NO PARTS of it should pass and be allowed to become law. I am happy to answer any of your questions regarding our opposition to this bill. Feel free to call me on any of the numbers listed below.

All my very best regards,

Mark L. Bibbs

Bibbs Law Group

Long Leaf Pine Consulting, LLC

(O) [919.256.3775](tel:919.256.3775)

(C) [252-205-1982](tel:252-205-1982)

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**From:** Mark Bibbs <[bibbslawgroup@gmail.com](mailto:bibbslawgroup@gmail.com)>

**Date:** June 28, 2016 at 8:10:10 AM EDT

**To:** [Sarah.Stevens@ncleg.net](mailto:Sarah.Stevens@ncleg.net), [ted.davis@ncleg.net](mailto:ted.davis@ncleg.net), [nathan.baskerville@ncleg.net](mailto:nathan.baskerville@ncleg.net), [duane.hall@ncleg.net](mailto:duane.hall@ncleg.net), "Rep. Pricey Harrison" <[Pricey.Harrison@ncleg.net](mailto:Pricey.Harrison@ncleg.net)>, [lee.zachary@ncleg.net](mailto:lee.zachary@ncleg.net), [rena.turner@ncleg.net](mailto:rena.turner@ncleg.net)

**Cc:** Tim Moore <[tim.moore@ncleg.net](mailto:tim.moore@ncleg.net)>, Leo Daughtry <[leo.daughtry@ncleg.net](mailto:leo.daughtry@ncleg.net)>, [robert.reives@ncleg.net](mailto:robert.reives@ncleg.net), [Paul.Stam@ncleg.net](mailto:Paul.Stam@ncleg.net), [mickey.michaux@ncleg.net](mailto:mickey.michaux@ncleg.net), [darren.jackson@ncleg.net](mailto:darren.jackson@ncleg.net), [larry.hall@ncleg.net](mailto:larry.hall@ncleg.net), [grier.martin@ncleg.net](mailto:grier.martin@ncleg.net), [john.blust@ncleg.net](mailto:john.blust@ncleg.net), [jonathan.jordan@ncleg.net](mailto:jonathan.jordan@ncleg.net), [chuck.mcgrady@ncleg.net](mailto:chuck.mcgrady@ncleg.net), [brad.salmon@ncleg.net](mailto:brad.salmon@ncleg.net), [william.richardson@ncleg.net](mailto:william.richardson@ncleg.net), [hugh.blackwell@ncleg.net](mailto:hugh.blackwell@ncleg.net), [rob.bryan@ncleg.net](mailto:rob.bryan@ncleg.net), [dan.bishop@ncleg.net](mailto:dan.bishop@ncleg.net), David Lewis <[davidL@davidlewis.org](mailto:davidL@davidlewis.org)>, [david.lewis@ncleg.net](mailto:david.lewis@ncleg.net)

**Subject:** Attorneys on Judiciary III and Attorney Members of the House

Fellow Lawyers and Madam Clerk:

I wanted to ask you to vote against the PCS for Senate Bill 508 for another reason. Our legal profession is regulated by the North Carolina State Bar as you know only too well.

Now imagine if a bill was passed that allowed the same type of regulatory actions to be taken against our law licenses that will occur against bail bondsmen' licenses if this bill passes.

First, if a client filed a grievance against us, that had no basis, which was frivolous, which happens a great deal of the time. The State Bar still investigates the grievance. Now consider that same circumstance here, and the State Bar summarily suspending our law license UNTIL the grievance could be investigated completely and then heard by the Disciplinary Hearing Commission. That would be extremely unfair to us as lawyers correct? The same principal applies here, just to a different profession, bail bondsmen.

Second, consider how many licensed attorneys in our state may have Federal tax liens against themselves or their businesses. It happens sometimes. Should the North Carolina State Bar have the authority to suspend our law license or disbar us for a Federal tax lien? No. Should our law license be suspended or we get disbarred even after any tax court action that resulted in a tax lien? No. The same principal applies here to the bail bonding profession.

Third, should the State Bar continue to pursue any administrative and/or regulatory cases against us AFTER we have surrendered our law license or we didn't pay our annual dues and we are administratively suspended? No. The same principal applies here to the bail bonding profession.

It is our belief that professional licenses here in our state should be treated equally. Senate Bill 508 does NOT do that. I respectfully ask you to vote NO on this bad bad bill. Thanks.

All my very best regards,

Mark L. Bibbs

(O) [919.256.3775](tel:919.256.3775)

(C) [252-205-1982](tel:252-205-1982)

(F) 919-256-3739

[bibbslawgroup@gmail.com](mailto:bibbslawgroup@gmail.com)

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**Mark L. Bibbs**

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[bibbslawgroup@gmail.com](mailto:bibbslawgroup@gmail.com)

919-256-3775 (o)

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*Via email...Bradshaw and NC Secretary of State*

Thank you for contacting the Lobbying Compliance Division.

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Fax (919) 807-2205  
Website: sosnc.gov

Phillip Bradshaw  
East Coast Sureties Inc  
203 W. Kerr Street  
Salisbury, N.C. 28144  
Direct (704) 797-2757  
Fax (704) 645-0200





attendance.

23. That further in the Newsletter it is implied that if the NCBAA with its legal counsel and lobbyists are no longer in business, then there will be no protection for the bail industry. It is common knowledge that RCG has a great presence at the North Carolina General Assembly, by meeting with members personally and attending all important committee meetings dealing with bail bonding issues.
24. That in the closing paragraph, the reader is *urged* by Whitlock do business with the NCBAA as RCG is compared to, and characterized as, “some street corner vendor”. This term alone is not derogatory with normal use, but in the case of an educational provider, approved by the state regulating authority, and maintaining the same address for over four (4) years, is obvious that the choice of words, “some street corner vendor” is to maliciously and intentionally berate, belittle, and instill doubt and to destroy confidence.
25. That in further support, RCG’s characterization as “some street corner vendor” is intentionally false, deceptive and injurious. The instructors are constantly seeking higher training, and the classes are held not on a street corner or other subpar location – rather they are held in some of the finest hotel ballrooms, meeting spaces, and convention halls the state of North Carolina has to offer. From time to time, RCG students enjoy classes held at a resort located in Myrtle Beach, South Carolina, or the Grove Park Inn and County Club, in Asheville, North Carolina, which is nowhere close to what ASC and Whitlock would have the readers of this defamatory and scurrilous article to believe.
26. That great expense and effort is being made by RCG to maintain a superior quality and presence, when settling for less quality educational attributes would be quite adequate and even acceptable to students. It is extremely disturbing, and an outright extreme falsehood, to be compared to, or characterized as “some street corner vendor”. That statement is meant to defame RCG and purposely dissuade clients from attending a RCG sponsored continuing education class.
27. That the right to free speech and opinion is not absolute, and does not protect the Defendants’ in falsely claiming Plaintiffs’ agenda is to put the NCBAA out of business. Likewise, the deliberate, opposite characterization of Plaintiffs as “some street corner vendor” is profoundly disturbing, undesirable, and shocks the conscience in this case, as to be completely and utterly false.
28. That the Newsletter contained falsehoods, which were intentionally injurious to Plaintiffs, and were disseminated in print.

## **SECOND CAUSE OF ACTION**

### **Fraud**

29. That Paragraphs 1 through 28 of the Plaintiff’s Complaint are incorporated by reference as if