

IN# 115134

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OCT 25 2019
CHECK NO. [REDACTED]
CHECK AMT. 2,500.00
~~BEFORE THE COMMISSIONER~~
OF INSURANCE

NORTH CAROLINA DEPARTMENT OF INSURANCE
RALEIGH, NORTH CAROLINA

STATE OF NORTH CAROLINA
COUNTY OF WAKE

IN THE MATTER OF
THE LICENSURE OF
AMERIFINANCIAL SOLUTIONS, LLC
A COLLECTION AGENCY

VOLUNTARY SETTLEMENT
AGREEMENT

NOW COME, AMERIFINANCIAL SOLUTIONS, LLC, (hereinafter "AMERIFINANCIAL") and the North Carolina Department of Insurance (hereinafter "Department"), and hereby enter into the following Voluntary Settlement Agreement (hereinafter "this Agreement").

WHEREAS, the Department has the authority and responsibility for the enforcement of the provisions of Chapter 58 of the General Statutes of North Carolina applicable to Collection Agencies and the collection agency business; and

WHEREAS, AMERIFINANCIAL is a corporation organized and existing under the laws of the State of North Carolina and is doing business and has been issued a permit by the Department to operate as a foreign collection agency in North Carolina; and

WHEREAS, N.C. Gen. Stat. Sec. 58-70-1 provides that no person, firm, corporation, or association shall conduct or operate a collection agency or do a collection agency business, as defined in Chapter 58 Article 70 of the General Statutes of North Carolina, until he or it shall have secured a permit therefore as provided in Article 70; and

WHEREAS, N.C. Gen. Stat. Sec. 58-70-10 provides that a person, firm, corporation or association desiring to renew a permit issued pursuant to G.S. 58-70-5 shall make application to the Commissioner of Insurance not less than 30 days prior to the expiration date of the then current permit; and

WHEREAS, AMERIFINANCIAL failed to renew its permit to do business as a collection agency in North Carolina by June 30, 2019, and therefore was operating in North Carolina without an active permit thereafter in violation of N.C. Gen. Stat. §§ 58-70-1 and 58-70-10; and

WHEREAS, AMERIFINANCIAL has acknowledged and admitted to the violations set forth herein; and

WHEREAS, AMERIFINANCIAL submitted its application for renewal after September 30, 2019 for which a penalty in the amount of \$2500.00 is indicated; and

WHEREAS, pursuant to N.C. Gen. Stat. Sec. 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

WHEREAS, the parties to this Agreement have reached a mutually agreeable resolution of this matter as set out in this Agreement; and

WHEREAS, AMERIFINANCIAL will be allowed to reinstate its authority back to July 1, 2019 by the Department and be authorized to act as a collection agency in North Carolina upon the signing this agreement, and the remitting of this signed agreement and civil penalty set forth herein to the Department; and

NOW THEREFORE, in consideration of the promises and agreements set out herein, the Department and **AMERIFINANCIAL** hereby agree to the following;


1. Immediately upon signing this agreement, **AMERIFINANCIAL** shall pay a civil penalty of **\$2500.00** to the Department. The form of payment shall be 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." **AMERIFINANCIAL** shall remit the civil penalty by certified mail, return receipt requested, to the Department along with a copy of this signed agreement. The civil penalty and the signed Agreement must be received by the Department no later than **November 20, 2019**. 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 public schools.
2. **AMERIFINANCIAL** shall comply with all provisions of Chapter 58 of the General Statutes of North Carolina and Title 11 of the North Carolina Administrative Code that are applicable to **AMERIFINANCIAL**
3. This Agreement does not in any way affect the Department's disciplinary power in any future or follow-up examination of **AMERIFINANCIAL**, or in any cases or complaints involving **AMERIFINANCIAL**. In the event **AMERIFINANCIAL** or any of its present or future locations fail to


comply with this Agreement or otherwise fail to comply with the laws and rules applicable to **AMERIFINANCIAL**, the Department may take any administrative or legal action it is authorized to take.

4. The parties to this Agreement agree that this Agreement shall have the full force and effect of an Order of the Commissioner of Insurance. **AMERIFINANCIAL** understands that N.C. Gen. Stat. Sec. 58-70-40(c)(6) provides that a collection agency's permit may be revoked if a partner or proprietor or officer of the collection agency has violated or refused to comply with an Order of the Commissioner.
5. **AMERIFINANCIAL** enters into this Agreement freely and voluntarily and with knowledge of its right to have an administrative hearing on this matter. **AMERIFINANCIAL** understands that it may consult with an attorney prior to entering into this Agreement.
6. This Voluntary Settlement Agreement, when finalized will be a public record and will not be treated as confidential. All permits issued by the Department to **AMERIFINANCIAL** 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 Agreement shall become effective when signed by **AMERIFINANCIAL** and the Department.

**AMERIFINANCIAL
SOLUTIONS, LLC
Permit # 1091**

N.C. Department of Insurance

By: 
Elizabeth Miller
CEO

By: 
Angela Hatcher
Deputy Commissioner

Date:

10/18/19

Date:

10/29/19