

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
OF GARY BRYANT

VOLUNTARY SETTLEMENT
AGREEMENT

NOW COME Gary Bryant (hereinafter "Bryant") and the North Carolina Department of Insurance (hereinafter "Department"), and hereby voluntarily and knowingly enter into the following Voluntary Settlement Agreement (hereinafter "Agreement"):

WHEREAS, the Department has the authority and responsibility for enforcement of the insurance laws of this State, for regulating and licensing insurance agents, and for regulating the continuing education of insurance agents; and

WHEREAS, Bryant currently holds Life/Health and Property/Liability agent licenses issued by the Department; and

WHEREAS, the Department has obtained evidence that Bryant has violated N.C. Gen. Stat. §§ 58-33-46(a)(2), 58-33-46(a)(4), 58-33-46(a)(8), 11 N.C.A.C. § 4.0423(a)(3), in that Bryant entered into an agreement with a consumer wherein he received \$2000 in return for obtaining a copy of a death certificated required for filing a claim for death benefits under a life insurance policy; and

WHEREAS, these violations provide the Department with an adequate basis to initiate an administrative action to suspend or revoke Bryant's licenses and to assess a monetary penalty against Bryant; and

WHEREAS, as of the date of this document, Bryant has made full restitution of all monies received from said consumer in this matter; and

WHEREAS, the Parties mutually wish to resolve this matter by consent before the Department initiates an administrative hearing concerning these violations.

NOW THEREFORE, in exchange for the consideration of the promises and agreements set out herein, the Department and Bryant hereby agree to the following and waive any objections to the following:

1. Bryant shall pay a civil penalty of \$250.00, due immediately upon

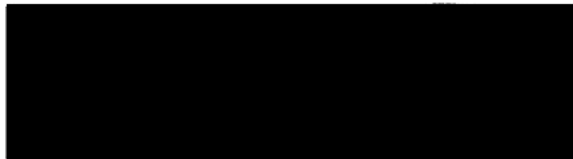


execution of this agreement. The check for the payment of this civil penalty shall be payable to the "North Carolina Department of Insurance." This civil penalty shall be subject to disbursement in accordance with the provisions of Article IX, Section 7 of the North Carolina Constitution for the benefit of the public schools.

2. Bryant enters into this Settlement Agreement freely and voluntarily and with knowledge of his right to have an administrative hearing on this matter.
3. Bryant voluntarily waives any right to notice of an administrative hearing and any right to a hearing on the violations and disciplinary actions referenced in this Settlement Agreement. Bryant also waives any right to appeal and agrees not to challenge the validity of this Settlement Agreement in any way.
4. The promises, agreements, representations and consideration contained herein are not mere recitals but are contractual in nature.
5. The Department agrees that it will not initiate any additional administrative actions based on the violations referenced herein provided that Bryant does not violate the terms and conditions of this Settlement Agreement and provided that the Department does not discover any additional violations or grounds for discipline. This Settlement Agreement shall not preclude the Department from pursuing any criminal charges or civil actions against Bryant. This agreement does not in any way affect the Department's disciplinary power in any other cases or complaints involving Bryant.
6. Bryant understands that he may consult with an attorney prior to entering into this Settlement Agreement.
7. This written document contains the entire agreement between the Parties. There are no other oral or written agreements of any kind that alter or add to this agreement.
8. The Parties agree that the Superior Court of Wake County shall be the venue for any actions seeking to enforce this Settlement Agreement.
9. If, for any reason, any part or provision of this Settlement Agreement is found to be void or unenforceable, the other parts and provisions shall remain in full force and effect.
10. The Parties have read and understand this Settlement Agreement and agree to abide by the terms and conditions contained herein.

This the _____ day of January, 2005.


Gary Bryant


North Carolina Department of Insurance

By Angela K. Ford
Senior Deputy Commissioner