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NORTH CAROLINA DEPARTMENT OF INSURANCE
RALEIGH, NORTH CAROLINA

RECEIVED
APR - 1 2013
AGENT SERVICES DIVISION
N.C. DEPT OF INSURANCE

STATE OF NORTH CAROLINA
COUNTY OF WAKE

BEFORE THE COMMISSIONER
OF INSURANCE

IN THE MATTER OF
THE LICENSURE OF
BUREAU OF COLLECTION RECOVERY, LLC
A COLLECTION AGENCY,

VOLUNTARY SETTLEMENT
AGREEMENT

NOW COME, the Bureau of Collection Recovery, LLC, (hereinafter "Bureau") 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, the Bureau is a corporation organized and existing under the laws of the State of Minnesota, and is doing business and has been issued a permit by the Department to operate as a 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, the Bureau failed to renew its permit to do business as a collection agency in North Carolina by June 30, 2012, and therefore was operating in North Carolina without an active permit thereafter in violation of N.C. Gen. Stat. Sec. 58-70-1; and

WHEREAS, the Bureau has been allowed to reinstate its authority back to July 1, 2012 by the Department, and is currently authorized to act as a collection agency in North Carolina; and

WHEREAS, N.C. Gen. Stat. Sec. 58-70-40 provides that a collection agency shall report to the Commissioner of Insurance any administrative action taken against the collection agency by another state or by another governmental agency in this State within 30 days after the final disposition of the matter, with such report being accompanied by a copy of

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J. Ravenhill

the order or consent order and other information or documents filed in the proceeding necessary to describe the action; and

WHEREAS, in connection with the review of the 2012 permit renewal application of the Bureau, the Department became aware of a Consent Order entered into by the Bureau with the Minnesota Department of Commerce dated September 26, 2011, that was not reported within 30 days of the final disposition of the matter as required by N.C. Gen. Stat. Sec. 58-70-40; and

WHEREAS, the Bureau has acknowledged and admitted to this violation; 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

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

1. Immediately upon signing this agreement, the Bureau shall pay a civil penalty of \$1000.00 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." The Bureau 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 **March 29, 2013**. 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. The Bureau 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 the Bureau.
3. This Agreement does not in any way affect the Department's disciplinary power in any future or follow-up examination of the Bureau, or in any cases or complaints involving the Bureau. In the event the Bureau 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 the Bureau, 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. The Bureau 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. The Bureau enters into this Agreement freely and voluntarily and with knowledge of its right to have an administrative hearing on this matter. The Bureau 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. Any and all permits issued by the Department to the Bureau 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 the Bureau and the Department.

This the 26th day of March, 2013.

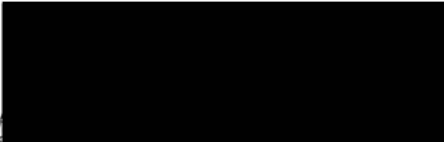


Bureau of Collection Recovery, LLC

N.C. Department of Insurance

By: 

Ms. Kaveena Barretto
Secretary

By:  4-9-13

Angela K. Ford
Senior Deputy Commissioner