

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 THOMAS J. CIOLEK
LICENSE NO. 0000745633

VOLUNTARY SETTLEMENT
AGREEMENT

NOW COME, Thomas J. Ciolek (hereinafter "Mr. Ciolek") 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 insurance agents; and

WHEREAS, Mr. Ciolek currently holds a producer's license with the Department with authority for Life, Variable Life and Variable Annuity, Accident & Health or Sickness, and Medicare Supplement and Long Term Care insurance lines of insurance; and

WHEREAS, North Carolina General Statute § 58-33-46(a)(1) provides that the Commissioner may place on probation, suspend, revoke, or refuse to issue or renew any license issued under Article 58 of the General Statutes of North Carolina for materially providing incorrect, misleading, incomplete or materially untrue information in the license application; and

WHEREAS, North Carolina General Statute § 58-33-32(k) requires producers to report to the Commissioner any administrative action taken against the producer in another state or by another governmental agency in this State within 30 days after the final disposition of the matter; and

WHEREAS, Mr. Ciolek applied for and was issued a Life, Variable Life and Variable Annuity, and an Accident & Health or Sickness resident license on or about January 12, 2011; and

WHEREAS, Mr. Ciolek applied for and was issued a Medicare Supplement and Long Term Care insurance resident license on or about April 5, 2011; and

WHEREAS, Mr. Ciolek answered "No" to the question regarding administrative actions on each license application; and

WHEREAS, North Carolina General Statute § 58-33-46(a)(2) provides that the Commissioner may place on probation, suspend, revoke, or refuse to issue or renew any license issued under Article 58 of the General Statutes of North Carolina for violating any insurance law of this or any other state, violating any administrative rule, subpoena, or order of the Commissioner or of another state's regulator; and

WHEREAS, Mr. Ciolek was assessed a monetary penalty of \$3159.00 on April 21, 2010 by the State of New York for violations of its insurance laws; and

WHEREAS, North Carolina General Statute § 58-33-46(a)(3) provides that the Commissioner may place on probation, suspend, revoke, or refuse to issue or renew any license issued under Article 58 of the General Statutes of North Carolina for obtaining or attempting to obtain a license through misrepresentation or fraud; and

WHEREAS, Mr. Ciolek admits to the violation of North Carolina General Statutes §§ 58-33-46(a)(1), 58-33-46(2), and 58-33-46(3) set out herein; and

WHEREAS, Mr. Ciolek 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. Ciolek; and

WHEREAS, the parties to this Agreement mutually wish to resolve this matter by consent before the Department initiates an administrative hearing, and have reached a mutually agreeable resolution of this matter as set out in this Agreement.

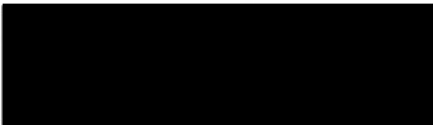
NOW, THEREFORE, in exchange for the consideration and promises and agreements set out herein, Mr. Ciolek and the Department hereby agree to the following:

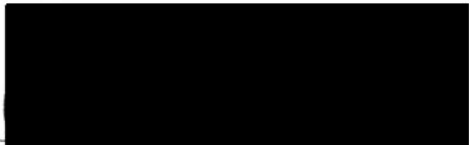
1. Immediately upon the signing of this Agreement, Mr. Ciolek shall pay a civil penalty of \$500.00 to the Department. The form of payment shall be by certified check, cashiers check or money order. The check or money order for the payment of this civil penalty shall be payable to the "North Carolina Department of Insurance." Mr. Ciolek 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 June 20, 2011. 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. This Agreement does not in any way affect the Department's disciplinary power in any future examination of Mr. Ciolek, or in any other complaints involving Mr. Ciolek.
3. Mr. Ciolek enters into this Agreement freely and voluntarily and with the knowledge of his right to have an administrative hearing on this matter. Mr. Ciolek understands he may consult with an attorney prior to entering into this Agreement.

4. The parties to this Agreement agree that this Agreement shall have the full force and effect of an Order of the Commissioner. Mr. Snyder understands that N.C.G.S. § 58-33-46(a)(2) provides that an agent's license may be revoked for violating an Order of the Commissioner.
5. This Agreement, when finalized, will be a public record and will **not** be held confidential by the Department. Following the execution of this Agreement, any and all licenses issued by the Department to Mr. Ciolek shall reflect that Regulatory Action has been taken against him. The Department is free to disclose the contents of this Agreement with third parties upon request or pursuant to any law or policy providing for such disclosure. The Department routinely provides copies of voluntary settlement agreement to all companies that have appointed the licensee.
6. The parties have read and understand this Agreement and agree to abide by the terms and conditions stated herein.

This the 24 day of MAY, 2011.

North Carolina Department of Insurance


Thomas J. Ciolek
License No. 0000


By: Angela Ford
Senior Deputy Commissioner

5-31-11