

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 JAMES A. CLARKE, II

VOLUNTARY SETTLEMENT
AGREEMENT

NOW COME James A. Clarke, II (hereinafter "Mr. Clarke") 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. Clarke holds licenses issued by the Department in the area of Property & Liability; and

WHEREAS, Wake County in 2006 Mr. Clarke pled guilty to, and failed to disclose to the Department, several misdemeanor counts of failure to file and pay state individual tax (N.C. Gen. Stat. § 105-236(9)), in violation of **N.C. Gen. Stat. § 58-33-46(a)(6),(8), and (14)** and **N.C. Gen. Stat. § 58-2-69**; and

WHEREAS, Mr. Clarke's licenses may be revoked for violation of N.C. Gen. Stat. § 58-33-46(a)(14) and N.C. Gen. Stat. § 58-2-69; and

WHEREAS, Mr. Clarke 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. Clarke; and

WHEREAS, pursuant to N.C.G.S. § 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 mutually wish to resolve this matter by consent before the Department initiates an administrative hearing concerning this matter; and

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


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

1. Mr. Clarke has paid a civil penalty of **two hundred fifty dollars and NO/100 (\$250.00)** to the Department by check dated September 5, 2007.
2. Mr. Clarke enters into this Agreement freely and voluntarily and with knowledge of his right to have an administrative hearing on this matter. Mr. Clarke understands that he may consult with an attorney prior to entering into this Agreement.
3. This Agreement does not in any way affect the Department's disciplinary power in any future examinations of Mr. Clarke or in any other complaints involving Mr. Clarke.
4. The parties to this Agreement agree that this Agreement shall have the full force and effect of an Order of the Commissioner. Mr. Clarke understands that N.C.G.S. 58-33-46(a)(2) provides that his licenses may be revoked for violating an Order of the Commissioner.
5. The parties have read and understand this Agreement and agree to abide by the terms and conditions stated herein.
6. This Agreement, when finalized, will be a public record and is not confidential. Any and all licenses issued by the Department to the licensee shall reflect that Regulatory Action has been taken against the licensees following the execution of this Agreement. 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 agreements to the NAIC and all companies that have appointed the licensee.

7. This Voluntary Settlement Agreement shall become effective when signed and attested to by Mr. Clarke and the Department.

This the 26th day of DECEMBER, 2007.

NORTH CAROLINA DEPARTMENT OF
INSURANCE


James A. Clarke, II

By:  1-9-08
Angela Ford
Senior Deputy Commissioner