



**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 ROBERT B. CUEVAS
LICENSE NO. 0008749040**

**VOLUNTARY SETTLEMENT
AGREEMENT**

NOW COME, Robert B. Cuevas (hereinafter "Mr. Cuevas") 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. Cuevas currently holds a producer's license with the Department with authority for Life, and Accident Health or Sickness, and Property and Casualty lines of insurance; and

WHEREAS, North Carolina Gen. Stat. § 58-33-46(a)(2) authorizes the Commissioner of Insurance to place on probation, suspend, revoke, or refuse to renew any license issued under Article 33 of the North Carolina General Statutes for violating any insurance law of this or any other state; and

WHEREAS, North Carolina Gen. Stat. § 58-33-50 provides that no person shall sell, solicit, or negotiate insurance in this State unless the person is licensed for that kind of insurance in accordance with Chapter 58 of the General Statutes of North Carolina; and

WHEREAS, North Carolina Gen. Stat. § 58-33-46(a)(8) authorizes the Commissioner of Insurance to place on probation, suspend, revoke, or refuse to renew any license issued under Article 33 of the North Carolina General Statutes for using fraudulent, coercive, or dishonest practices, or demonstrating incompetence, untrustworthiness, or financial irresponsibility in the conduct of business in this State or elsewhere; and

WHEREAS, Mr. Cuevas solicited a Medicare Supplement insurance policy from Ms. Frances Boyd with State Farm Insurance Company while he was not licensed and authorized to sell such policies by the Department and had another State Farm agent write the policy, but requested commissions from his insurer for the sale, constituting a violation of North Carolina Gen. Stat. § 58-33-50; and

WHEREAS, Mr. Cuevas has admitted to this violation; and

WHEREAS, Mr. Cuevas 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 this matter against Mr. Cuevas; 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. Cuevas and the Department hereby agree to the following:

1. Immediately upon the signing of this Agreement, Mr. Cuevas shall pay a **civil penalty of \$250.00** to the Department. The form of payment shall be by 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." Mr. Cuevas 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 16, 2012**. 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 examinations or investigations of Mr. Cuevas, or in any other complaints involving Mr. Cuevas.
3. Mr. Cuevas enters into this Agreement freely and voluntarily and with the knowledge of his right to have an administrative hearing on this matter. Mr. Cuevas 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. Cuevas understands that North Carolina Gen. Stat. § 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. Cuevas 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 29th day of November, 2012.

North Carolina Department of Insurance

[Redacted Signature]

Robert B. Cuevas
License No. 0008749040

[Redacted Signature]

By: 12-3-12
Angela K. Ford
Senior Deputy Commissioner

Notary Public for the State of North Carolina, do
Robert B. Cuevas
29 November 2012
[Redacted Signature]

IDA M. YOUNG
NOTARY PUBLIC
Wake County, North Carolina
My Commission Expires April 27, 2013