

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 LICENSE
OF WAYNE DARNELL

VOLUNTARY SETTLEMENT
AGREEMENT

RECEIVED IN AGENT SERVICES
A.S. - N.C.D.O.I.

SEP - 8 2006

CHECK NO. 23010
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Division
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NOW COME Wayne Darnell (hereinafter "Mr. Darnell") and the North Carolina Department of Insurance (hereinafter "the 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. Darnell holds licenses issued by the Department in the areas of Life and Health and Medicare Supplement/Long Term Care; and

WHEREAS, the Department's Agent Services Division (Agent Services) received information that Mr. Darnell had wrongfully allowed a consumer to sign her adult son's name on a health insurance application submitted to Mega Life & Health, and that this application contained incorrect information; and

WHEREAS, the information received by Agent Services indicates that Mr. Darnell violated N.C. Gen. Stat. § 58-33-105, for which Mr. Darnell's licenses could be revoked; and

WHEREAS, Mr. Darnell 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. Darnell; 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. Darnell hereby agree to the following:

1. Mr. Darnell agrees to pay a civil penalty of **two hundred and dollars (\$250.00)** to the Department in the form of a certified check (cashier's check) or money order. This payment must be received by the Department no later than **September 12, 2006**.
2. Mr. Darnell enters into this Agreement freely and voluntarily and with knowledge of his right to have an administrative hearing on this matter. Mr. Darnell 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. Darnell or in any other complaints involving Mr. Darnell.
4. The parties to this Agreement agree that this Agreement shall have the full force and effect of an Order of the Commissioner. Mr. Darnell 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. 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 licensee 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.
6. The parties have read and understand this Agreement and agree to abide by the terms and conditions stated herein.

This the 1ST day of September, 2006.

NORTH CAROLINA DEPARTMENT OF
INSURANCE


Wayne Darnell

By:  9-13-06
Angela Ford
Senior Deputy Commissioner