

NORTH CAROLINA DEPARTMENT OF INSURANCE
RALEIGH, NORTH CAROLINA

STATE OF NORTH CAROLINA
COUNTY OF WAKE

IN THE MATTER OF THE LICENSURE
OF DARRYL A. DAVIS NPN 23872

BEFORE THE COMMISSIONER
OF INSURANCE

VOLUNTARY SETTLEMENT
AGREEMENT

#114592

RECEIVED IN AGENT SERVICES A.S. - N.C.D.O.I.
APR 18 2019
FINC NO. [REDACTED]
CHECK AMT. \$ 505.00
PROCESSOR

NOW COME Darryl A. Davis (hereinafter "Mr. Davis") 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 of insurance agents, brokers, limited representatives, adjusters and motor vehicle damage appraisers; and

WHEREAS, Mr. Davis applied for a non-resident Public Adjuster's license with the Department on September 11, 2018; and

WHEREAS, Mr. Davis's application was denied by the Department by letter dated January 2, 2019, and Mr. Davis requested a review of the Department's action and a review was scheduled for March 13, 2019; and

WHEREAS, North Carolina General Statute § 58-33A-45(a)(1) provides that the Commissioner may place on probation, suspend, revoke, or refuse to issue or renew a public adjuster's license or may levy a civil penalty in accordance with G.S. 58-2-70 or any combination of actions for providing incorrect, misleading, incomplete or materially untrue information in the license application; and

WHEREAS, North Carolina General Statute § 58-33A-90 requires public adjusters to report to the Commissioner any administrative action taken against the adjuster in another jurisdiction within 30 days after the final disposition of the matter; and

WHEREAS, Mr. Davis answered "No" on his September 11, 2018 application to the background question thereon: "Have you ever been named or involved as a party in an administrative proceeding, including FINRA sanction or arbitration proceeding regarding any professional or occupational license or registration; and

WHEREAS, Mr. Davis was previously licensed as a non-resident Public Adjuster from September 7, 2007 until March 31, 2014; and

WHEREAS, Mr. Davis on his March 6, 2013 license renewal application answered "No" to the background question thereon: "Have you ever been named or involved as a party in an

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administrative proceeding, including FINRA sanction or arbitration proceeding regarding any professional or occupational license or registration; and

WHEREAS, Mr. Davis executed a Consent Order with the Florida Department of Financial Services effective December 4, 2012 with respect to his Public Adjuster's license in Florida for accepting excessive fees which was resolved by reimbursing the client with a portion of the commission earned; and

WHEREAS, on or about August 5, 2015 Mr. Davis' non-resident Public Adjuster's license was revoked by the State of New York based on the following: (1) demonstrating a lack of fitness or trustworthiness; (2) failure to report other state action; and (3) no license; and

WHEREAS, by not including this information on his 2018 and 2013 applications for licensure with this Department and not reporting these actions to this Department within 30 days of the disposition of those matters, Mr. Davis has violated and admits to violating the provisions of North Carolina General Statutes §§ 58-33A-45(1) and 58-33A-90; and

WHEREAS, North Carolina General Statute § 58-33A-45(a)(2) provides that the Commissioner may place on probation, suspend, revoke, or refuse to issue or renew any a public adjuster's license, or may levy a civil penalty in accordance with G.S.58-2-70 for violating any insurance laws 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. Davis has agreed to settle, compromise, and resolve the matters referenced in this Agreement on behalf of himself, and the Department has agreed not to pursue additional penalties, sanctions, remedies, or restitution based on this matter against Mr. Davis; 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. Davis and the Department hereby agree to the following:

1. Immediately upon the signing of this Agreement, Mr. Davis shall pay a civil penalty of **\$500.00** 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. Davis 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 May 8, 2019. 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. Upon payment of the civil penalty and return of the signed Agreement to this Department Mr. Davis shall be issued a North Carolina non-resident Public Adjuster's license; and



3. This Agreement does not in any way affect the Department's disciplinary power in any future examination of Mr. Davis or in any other complaints involving Mr. Davis.
4. Mr. Davis enters into this Agreement, on behalf of himself, freely and voluntarily and with the knowledge of his right to have an administrative hearing on this matter. Mr. Davis understands he may consult with an attorney prior to entering into this Agreement.
5. The parties to this Agreement agree that this Agreement shall have the full force and effect of an Order of the Commissioner. Mr. Davis understands that N.C.G.S. § 58-33A-45(a)(2) provides that a public adjuster's license may be revoked for violating an Order of the Commissioner.
6. This Agreement, when finalized, will be a public record and will **not** be held confidential by the Department. Following the execution of this Agreement, all licenses issued by the Department to Mr. Davis 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.
7. The parties have read and understand this Agreement and agree to abide by the terms and conditions stated herein.
8. Be aware that if a state or federal regulator other than the N. C. Department of Insurance has issued an occupational or professional license to you, that regulator may require you to report this administrative action to it. The N.C. Department of Insurance cannot give you legal advice as to the specific reporting requirements of other state or federal regulators.

N. C. Department of Insurance


By: **Darryl A. Davis**
Applicant


By: **Angela Hatchell**
Deputy Commissioner

Date: APR 11 2019

Date: 4/23/19