

NORTH CAROLINA DEPARTMENT OF INSURANCE
RALEIGH, NORTH CAROLINA

STATE OF NORTH CAROLINA
COUNTY OF WAKE

BEFORE THE COMMISSIONER
OF INSURANCE

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

OCT 17 2018

CHECK NO. [REDACTED]
CHECK AMT. 560.00

Id# 114221

IN THE MATTER OF THE LICENSURE
OF FERNANDO DEGRACIA
LICENSE NO. 0018462075

VOLUNTARY SETTLEMENT
AGREEMENT

NOW COME, Fernando Degracia (hereinafter "Mr. Degracia") 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. Degracia currently holds a non-resident producer's license with authority for Life, Variable Life, and Accident & Health or Sickness insurance, Variable Annuity contracts and a Medicare Supplement Long-Term Care insurance license issued by the Department; 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, including enforcement actions taken against the producer by the Financial Industry Regulatory Authority (FINRA), within 30 days after the final disposition of the matter; and

WHEREAS, Mr. Degracia executed a Consent Order with the New Hampshire Department of Insurance effective April 20, 2018 wherein Mr. Degracia was fined \$250.00 for not responding to a request for additional information regarding prior criminal history/record; and

WHEREAS, Mr. Degracia did not report this administrative action taken against his insurance producer's license to this Department within 30 days after the final disposition of this matter as required by North Carolina General Statute § 58-33-32(k), and therefore was in violation thereof; and

WHEREAS, Mr. Degracia admits to this violation of North Carolina General Statute § 58-33-32(k); 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 providing materially incorrect, misleading, incomplete, or materially untrue information in the license application; and

WHEREAS, Mr. Degracia in his original application for licensure with the Department dated September 2, 2017 answered "No" to the question: "Have you ever been convicted of a felony, had a judgment withheld or deferred, or are you currently charged with a felony?"; and

WHEREAS, documents obtained by the Department indicate Mr. Degracia was arrested and charged with Felony Possession of Narcotics (Marijuana) by the Bloomington, Minnesota Police Department on November 23, 2000; and

WHEREAS, Mr. Degracia did not provide court documents which would have demonstrated the final disposition of the charge, and admits to violating North Carolina General Statute § 58-33-46(a)(1) with respect to his response on his original license application to the question thereon of prior felony conviction; 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. Degracia 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 these matters against Mr. Degracia; and

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

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

1. Immediately upon the signing of this Agreement, Mr. Degracia 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. Degracia 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 **October 26, 2018**. 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. Degracia or in any other complaints involving Mr. Degracia.
3. Mr. Degracia 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. Degracia 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. Degracia understands that N.C.G.S. § 58-33-46(a)(2) provides that a producer'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, all licenses issued by the Department to Mr. Degracia 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.
7. 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

[Redacted Signature]

By: Fernando Degracia
License No. 0018462075

[Redacted Signature]

By: Angela Hatchell
Deputy Commissioner

Date: 9 / 27 / 2018

Date: 10 / 22 / 18