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NORTH CAROLINA DEPARTMENT OF INSURANCE  
RALEIGH, NORTH CAROLINA

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BEFORE THE COMMISSIONER  
OF INSURANCE

STATE OF NORTH CAROLINA  
COUNTY OF WAKE

IN THE MATTER OF THE LICENSURE  
OF THOMAS A. DUS  
LICENSE NO. 0000511476

VOLUNTARY SETTLEMENT  
AGREEMENT

NOW COME, Thomas A. Dus (hereinafter "Mr. Dus") 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. Dus currently holds a non-resident producer's license with authority for Property and Casualty lines of insurance 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. Dus was charged with Attempted Telephone Harassment, a misdemeanor, in Lakewood, Ohio, and failed to report such action to the Indiana Department of Insurance not more than 30 days after his initial pretrial hearing date as required by Indiana insurance law, and consequently entered into an Agreed Entry settlement effective October 22, 2018 with the Indiana Department in which a civil penalty in the amount of \$250.00 was imposed, which administrative action was not reported to this Department until December 19, 2018; and

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

WHEREAS, Mr. Dus admits to this violation of North Carolina General Statute § 58-33-32(k); and

**WHEREAS**, North Carolina General Statute § 58-2-69(c) provides that if a licensee is convicted in any court or competent jurisdiction for any crime or offense other than a motor vehicle infraction, the licensee shall notify the Commissioner within 10 business days after the date of the conviction; and "conviction" includes an adjudication of guilt, a plea of guilty, or a plea of "nolo contendere; and

**WHEREAS**, Mr. Dus pled guilty to the misdemeanor charge of Attempted Telephone Harassment in Lakewood, Ohio (Cuyahoga County Ohio Municipal Court) on May 20, 2016, for which he was fined \$500 and required to perform 40 hours of community service, which criminal conviction was not reported to this Department until August 7, 2018; and

**WHEREAS**, such conviction was not reported to the Department as required in compliance with the provisions of N.C. Gen. Stat. § 58-2-69(c); and

**WHEREAS**, Mr. Dus admits to this violation of North Carolina General Statute § 58-2-69(c); 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

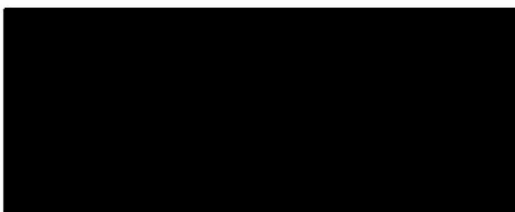
**WHEREAS**, Mr. Dus has agreed to settle, compromise, and resolve the matters referenced in this Agreement on behalf of himself, and the Department has agreed not to pursue additional penalties, sanctions, remedies, or restitution based on these matters against Mr. Dus; and

**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. Dus and the Department hereby agree to the following:

1. Immediately upon the signing of this Agreement, Mr. Dus 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. Dus 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 **February 11, 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. This Agreement does not in any way affect the Department's disciplinary power in any future examination of Mr. Dus or in any other complaints involving Mr. Dus.
3. Mr. Dus 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. Dus 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. Dus 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. Dus 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.



By: Thomas A. Dus  
License No. 0000511476

N.C. Department of Insurance



By: Angela Hatchell  
Deputy Commissioner

Date: 1/12/2019

Date: 2/2/19