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NORTH CAROLINA DEPARTMENT OF INSURANCE
RALEIGH, NORTH CAROLINA

CHECK NO.
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PROCESSOR

703883

STATE OF NORTH CAROLINA
COUNTY OF WAKE

BEFORE THE COMMISSIONER
OF INSURANCE

IN THE MATTER OF THE LICENSURE
OF BENJAMIN FISTEL
NPN No. 11609098

VOLUNTARY SETTLEMENT
AGREEMENT

NOW COMES Ben Fistel (hereinafter "Mr. Fistel") 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. Fistel is a Florida resident, and he holds a Non-Resident Producer license issued by this Department; and

WHEREAS, on or about August 2013 Mr. Fistel was subject to regulatory action by the Colorado Department of Insurance related to him transacting Colorado insurance business while not yet holding a Colorado insurance agent license; and

WHEREAS, Mr. Fistel failed to report the Colorado administrative action to the Department within thirty (30) days of the disposition of that matter as is required by N.C.G.S. § 58-33-32(k); and

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

1. Mr. Fistel agrees to pay a civil penalty of **two hundred and fifty dollars (\$250.00)** to the Department. The civil penalty must be in the form of a **certified check, cashier's check or money order**, and must be received by the Department contemporaneously with the executed Voluntary Settlement Agreement, signed by Mr. Fistel, no later than **June 27, 2014**.
2. Mr. Fistel enters into this Agreement freely and voluntarily and with knowledge of his right to have an administrative hearing on this matter. Mr. Fistel 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. Fistel or in any other complaints involving Mr. Fistel.
4. The parties to this Agreement agree that this Agreement shall have the full force and effect of an Order of the Commissioner. Mr. Fistel 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. Mr. Fistel has read and understands this Agreement and agrees to abide by the terms and conditions stated herein.
6. 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. The Department routinely provides copies of voluntary settlement agreements to the NAIC and all companies that have appointed the licensee.
7. This Voluntary Settlement Agreement shall become effective when signed and attested to by Mr. Fistel and the Department.

This the 13th day of August, 2014. (AKF) NORTH CAROLINA DEPARTMENT OF INSURANCE



Ben Fistel

Benjamin Fistel



By Angela Ford
Senior Deputy Commissioner

8-13-14

