

NORTH CAROLINA DEPARTMENT OF INSURANCE
RALEIGH, NORTH CAROLINA

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STATE OF NORTH CAROLINA
COUNTY OF WAKE

BEFORE THE COMMISSIONER
OF INSURANCE

IN THE MATTER OF THE LICENSURE
OF HECTOR D. FORTUN
LICENSE NO. 0000453266

VOLUNTARY SETTLEMENT
AGREEMENT

NOW COME, Hector D. Fortun (hereinafter "Mr. Fortun") 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 producers; and

WHEREAS, Mr. Fortun currently holds a non-resident producer's license with the Department with authority for Property and Casualty insurance; 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 within 30 days after the final disposition of the matter; and

WHEREAS, Mr. Fortun entered into a settlement agreement with the Florida Department of Financial Services with respect to an administrative action taken against his license resulting in a payment of a penalty effective June 21, 2013; and

WHEREAS, Mr. Fortun did not report this action to the Department within 30 days after the final disposition of the matter as required by North Carolina General Statute § 58-33-32(k), and, therefore, was in violation thereof; and

WHEREAS, Mr. Fortun admits to this violation; 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. Fortun's failure to report an administrative action in another state is a violation of North Carolina General Statute §58-33-32(k) and subjects Mr. Fortun to the probation, suspension, revocation, or refusal to renew his producer's license pursuant to North Carolina General Statute §58-33-46(a)(2); and

WHEREAS, Mr. Fortun has agreed to settle, compromise, and resolve the matters referenced in this Agreement on behalf of himself and his agency, and the Department has agreed not to pursue additional penalties, sanctions, remedies, or restitution based on these matters against Mr. Fortun; 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. Fortun and the Department hereby agree to the following:

1. Immediately upon the signing of this Agreement, Mr. Fortun shall pay a civil penalty of **\$250.00** 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. Fortun 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 **December 13, 2013**. 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. Fortun or in any other complaints involving Mr. Fortun.
3. Mr. Fortun 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. Fortun 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. Fortun 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, any and all licenses

issued by the Department to Mr. Fortun 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.

[Redacted Signature]

Date: 12/6/2013

By: Hector D. Fortun
License No. 0000453266

N.C. Department of Insurance

[Redacted Signature]

Date: 12/13/13

By: Angela Ford
Senior Deputy Commissioner

