

NORTH CAROLINA DEPARTMENT OF INSURANCE
RALEIGH, NORTH CAROLINA

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12# 114220
BEFORE THE COMMISSIONER
OF INSURANCE

STATE OF NORTH CAROLINA
COUNTY OF WAKE

IN THE MATTER OF THE LICENSURE
OF MARIO J. GARCIA
LICENSE NO. 0000609238

VOLUNTARY SETTLEMENT
AGREEMENT

NOW COME, Mario J. Garcia (hereinafter "Mr. Garcia") 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. Garcia currently holds a non-resident producer's license with authority for Accident & Health or Sickness line 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, the South Dakota Department of Insurance denied Mr. Garcia's license application effective March 10, 2016 for failure to make a required disclosure on his application, other states action taken against his producer's license, and criminal record/history; and

WHEREAS, the Oregon Department of Insurance denied Mr. Garcia's license application effective May 12, 2016 for a misstatement on his application, and failure to make a required disclosure thereon; and

WHEREAS, the California Department of Insurance denied Mr. Garcia's license application effective October 25, 2017 based on other states action taken against his producer's license, criminal record/history and a partial misstatement made on his application; and

WHEREAS, the Pennsylvania Department of Insurance denied Mr. Garcia's license application effective January 16, 2018 for failure to make a required disclosure on his application which demonstrated a lack of fitness or trustworthiness to hold a license; and

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

WHEREAS, Mr. Garcia admits to these violations 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, on November 21, 2016 in the Judicial Circuit Court of Broward County Florida Mr. Garcia pled nolo contendere to and was convicted of the first-degree misdemeanor charge of Possession of Cannabis/20 Grams or Less; and

WHEREAS, on January 26, 2017 in the Judicial Circuit Court of Broward County Florida, Mr. Garcia pled nolo contendere to and was convicted of the second-degree misdemeanor charge of Petit Theft; and

WHEREAS, neither conviction was reported to the Department as required in compliance with the provisions of N.C. Gen. Stat. § 58-2-69(c); and

WHEREAS, Mr. Garcia admits to these violations 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. Garcia 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. Garcia; 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. Garcia and the Department hereby agree to the following:

1. Immediately upon the signing of this Agreement, Mr. Garcia shall pay a civil penalty of **\$1500.00** 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. Garcia shall remit the civil penalty by certified

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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 31, 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. Garcia or in any other complaints involving Mr. Garcia.
3. Mr. Garcia 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. Garcia 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. Garcia 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. Garcia 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: Mario J. Garcia
License No. 0000609238

[Redacted Signature]

By: Angela Hatchell
Deputy Commissioner

Date: 9/13/18

Date: 10/22/18