

SEP 3 2014

NORTH CAROLINA DEPARTMENT OF INSURANCE  
RALEIGH, NORTH CAROLINA

SEP 11 2014

NC  
[REDACTED]  
NORTH CAROLINA

BEFORE THE COMMISSIONER  
OF INSURANCE

IN THE MATTER OF THE LICENSURE OF  
FRANK PAUL HARTMAN  
(NPN 16140238)

VOLUNTARY SETTLEMENT  
AGREEMENT

NOW COME Frank Paul Harman (hereinafter "Adjuster") and the North Carolina Department of Insurance (hereinafter "Department"), and hereby voluntarily and knowingly enter into the following Voluntary Settlement Agreement (hereinafter "Agreement");

WHEREAS, the Department has the authority and responsibility for regulating and licensing professional adjusters; and

WHEREAS, Adjuster currently holds a license as a company/independent firm adjuster issued by the Department; and

WHEREAS, in Adjuster's license application, Adjuster did not report a criminal conviction against him from another state that occurred in June 2009; and

WHEREAS, Adjuster's failure to include Adjuster's June 2009, criminal conviction in his application rendered the application materially incomplete in violation of N.C. Gen. Stat. §58-33-46(a)(1); and

WHEREAS, Adjuster's violation of N.C. Gen. Stat. § 58-33-46(a)(1) subjects Adjuster's license to possible revocation or suspension; and

WHEREAS, pursuant to N.C. Gen. Stat. §58-33-32(k), an adjuster must report any administrative action taken against the adjuster in another state and provide a copy of the order and other information or documents necessary to describe the administrative action; and

WHEREAS, Adjuster had an administrative action taken against him by the State of Washington in November 2012; and

WHEREAS, Adjuster did not report the November 2012 administrative action from the State of Washington within thirty (30) days; and

WHEREAS, Adjuster had an administrative action against him by the State of Oklahoma in April 2014; and

WHEREAS, Adjuster did not report the April 2014, administrative action from the State of Oklahoma within thirty (30) days; and

WHEREAS, Adjuster's failure to report to and notify the Department of the November 2012 and the April 2014 administrative actions to the North Carolina Department of Insurance within thirty (30) days are violations of N.C. Gen. Stat. § 58-33-32(k); and

WHEREAS, Adjuster's violations of N.C. Gen. Stat. § 58-33-32(k) are violations of the insurance laws and subject Adjuster's license to possible revocation or suspension pursuant to N.C. Gen. Stat. § 58-33-46(a)(2); and

WHEREAS, pursuant to N.C. Gen. Stat. § 58-2-70(g), the Commissioner of Insurance and the Department have express authority to negotiate a mutually acceptable agreement with any person as to the status of the person's license issued by the Department, 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 Adjuster hereby agree to the following:

1. Immediately upon signing this agreement, Adjuster shall pay a civil penalty of **Two Hundred and Fifty Dollars (\$250.00)** to the Department. The form of payment shall be **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." Adjuster shall remit the civil penalty by certified mail, return receipt requested, to the Department along with the original of this Agreement bearing the signature of Adjuster. The civil penalty and the signed Agreement must be received by the Department no later than **August 29, 2014**. 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. Adjuster shall comply with all provisions of Chapter 58 of the North Carolina General Statutes and Title 11 of the North Carolina Administrative Code that are applicable to Adjuster.
3. The parties to this Agreement agree that this Agreement shall have the full force and effect of an Order of the Commissioner. Adjuster understands that N.C. Gen. Stat. § 58-33-46(a)(2) provides that Adjuster's license may be revoked for violating an Order of the Commissioner.

4. Adjuster enters into the Agreement freely and voluntarily and with knowledge of Adjuster's right to have an administrative hearing regarding this matter. Adjuster understands that Adjuster may consult with an attorney prior to entering into this Agreement.
5. This Agreement does not in any way affect the Department's disciplinary power in any future examinations of Adjuster, or in any other complaints involving Adjuster. In the event that Adjuster fails to comply with this Agreement or otherwise fails to comply with the laws and rules applicable to Adjuster, the Department may take any administrative or legal action it is authorized to take.
6. This Agreement, when finalized, will be a public record and is not confidential. The Department is free to disclose the contents of this Agreement to third parties upon request or pursuant to any law or policy providing for such disclosure. Following the execution of this Agreement, and any and all licenses issued by the Department to Adjuster shall reflect that Regulatory Action has been taken against Adjuster.
7. This Agreement shall become effective when signed by Adjuster and the Department.

[Redacted Signature]

Frank Paul Hartman

Date: 8/25/14

NORTH CAROLINA DEPARTMENT OF INSURANCE

By: [Redacted Signature]

Angela K. Ford  
Senior Deputy Commissioner

Date: 9/15/14

