

NORTH CAROLINA DEPARTMENT OF INSURANCE
RALEIGH, NORTH CAROLINA

76075
RECEIVED IN AGENT SERVICES
A.S. - N.C.D.O.I.
FEB 28 2011
PROCESSOR DYE

STATE OF NORTH CAROLINA
COUNTY OF WAKE

BEFORE THE COMMISSIONER
OF INSURANCE

IN THE MATTER OF THE LICENSURE
OF RICK L. HOLBERT
LICENSE NO. 0008868438

VOLUNTARY SETTLEMENT
AGREEMENT

NOW COME Rick L. Holbert (hereinafter "Mr. Holbert") 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. Holbert currently holds a producer's license with the Department with authority for Life, Accident Health or Sickness, Medicare Supplement Long-Term Care and Property and Casualty lines of insurance, and a broker's license; and

WHEREAS, North Carolina Gen. Stat. § 58-33-46(a)(2) authorizes the Commissioner of Insurance to place on probation, suspend, revoke, or refuse to renew any license issued under Article 33 of the North Carolina General Statutes for violating any insurance law of this or any other state; and

WHEREAS, North Carolina Gen. Stat. § 58-33-85(a) provides that no insurer, agent, broker or limited representative shall pay, allow, or give, or offer to pay, allow, or give, directly or indirectly, as an inducement to insurance, or after insurance has been effected, any rebate, discount, abatement, credit, or reduction of the premium named in a policy of insurance; and

WHEREAS, Mr. Holbert paid the initial premiums on life insurance policies for Apryl Holbert, Jacqueline Davis and Nicole Clausi, constituting a violation of North Carolina Gen. Stat. § 58-33-85(a); and

WHEREAS, North Carolina Gen. Stat. § 58-33-46(a)(10) authorizes the Commissioner of Insurance to place on probation, suspend, revoke, or refuse to renew any license issued under

Article 33 of the North Carolina General Statutes for using forging another's name to an application for insurance or to any other document related to an insurance transaction; and

WHEREAS, Mr. Holbert forged policy delivery receipts for policies issued to Apryl Holbert, Jacqueline Davis and Nicole Clausi, constituting a violation of North Carolina Gen. Stat. § 58-33-46(a)(10); and

WHEREAS, Mr. Holbert has admitted to these violations; and

WHEREAS, Mr. Holbert 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. Holbert; and

WHEREAS, the parties to this Agreement mutually wish to resolve these matters by consent before the Department initiates an administrative hearing, and have reached a mutually agreeable resolution of these matters as set out in this Agreement.

NOW, THEREFORE, in exchange for the consideration and promises and agreements set out herein, Mr. Holbert and the Department hereby agree to the following:

1. Immediately upon the signing of this Agreement, Mr. Holbert shall pay a **civil penalty of \$400.00** to the Department. The form of payment shall be by certified cashiers 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. Holbert 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 **March 9, 2011**. 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 examinations or investigations of Mr. Holbert, or in any other complaints involving Mr. Holbert.
3. Mr. Holbert enters into this Agreement freely and voluntarily and with the knowledge of his right to have an administrative hearing on this matter. Mr. Holbert 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. Holbert understands that North Carolina Gen. Stat. § 58-33-46(a)(2) provides that an agent'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. Holbert 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.

This the 23 day of February, 2011.



Rick L. Holbert
License No. 0008868438

North Carolina Department of Insurance



By: 3-2-11
Angela K. Ford
Senior Deputy Commissioner