

NORTH CAROLINA DEPARTMENT OF INSURANCE  
RALEIGH, NORTH CAROLINA

# 1142105

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STATE OF NORTH CAROLINA  
COUNTY OF WAKE

BEFORE THE COMMISSIONER  
OF INSURANCE

IN THE MATTER OF THE LICENSURE  
OF AVIENA LOVE  
LICENSE NO. 0009003368

VOLUNTARY SETTLEMENT  
AGREEMENT

NOW COME, Aviena Love (hereinafter "Ms. Love") 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, Ms. Love currently holds a non-resident producer's license with authority for Personal Lines insurance issued by the Department; and

WHEREAS, N. C. Gen. Stat. § 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, Ms. Love entered into a Consent Order with the South Dakota Department of Insurance effective June 29, 2018 in which Ms. Love was fined in the amount of \$500.00 for not reporting administrative actions taken against her license by other states on her application for licensure as required by South Dakota insurance laws; and

WHEREAS, Ms. Love did not report this action to the Department within 30 days after the final disposition of the matter as required by N. C. Gen. Stat. § 58-33-32 (k), and therefore was in violation thereof; and

WHEREAS, N. C. Gen. Stat. § 58-33-46 (a) (1) provides that the Commissioner may place on probation, suspend, revoke, or refuse to renew any license issued under Article 33 of

Chapter 58 of the General Statutes of North Carolina for providing materially incorrect, misleading, incomplete, or materially untrue information in the license application; and

**WHEREAS**, Ms. Love answered "No" to the question on her initial application for license as a non-resident producer dated February 9, 2018 to the question: "Have you ever been named or involved as a party in an administrative proceeding, including FINRA sanction or arbitration proceeding regarding any professional or occupational license or registration; and

**WHEREAS**, a Department investigation revealed that Ms. Love had been involved in six (6) administrative actions with respect to her producer's license in other states between the years 2007 and 2009, and by not including that information on her application was therefore in violation of N. C. Gen. Stat. § 58-33-46 (a) (1); and

**WHEREAS**, Ms. Love admits to these violations of N. C. Gen. Stat. §§ 58-33-32 (k) and 58-33-46 (a) (1); and

**WHEREAS**, N. C. Stat. § 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**, Ms. Love has agreed to settle, compromise, and resolve the matters referenced in this Agreement on behalf of herself, and the Department has agreed not to pursue additional penalties, sanctions, remedies, or restitution based on these matters against Ms. Love; 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, Ms. Love and the Department hereby agree to the following:

1. Immediately upon the signing of this Agreement, Ms. Love shall pay a civil penalty of **\$500.00** 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." Ms. Love 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 **November 23, 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 Ms. Love or in any other complaints involving Ms. Love.
3. Ms. Love enters into this Agreement, on behalf of herself, freely and voluntarily and with the knowledge of her right to have an administrative hearing on this matter. Ms. Love understands she 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. Ms. Love 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 Ms. Love shall reflect that Regulatory Action has been taken against her. 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**

  
By: Aviena Love  
License No. 0009003368

  
By: Angela Hatchell  
Deputy Commissioner

Date: 10/23/18

Date: 11/19/18