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NORTH CAROLINA DEPARTMENT OF INSURANCE
RALEIGH, NORTH CAROLINA

RECEIVED IN AGENT SERVICES A.S. - N.C.D.O.I. <div style="border: 1px solid black; padding: 5px; text-align: center;"> MAY 10 2019 </div> COMMISSIONER [REDACTED] OF INSURANCE CHECK AMT. 500.00 PROCESSOR

STATE OF NORTH CAROLINA
COUNTY OF WAKE

BEFORE THE COMMISSIONER
OF INSURANCE

IN THE MATTER OF THE LICENSURE
OF BASIL M. MARCHI
LICENSE NO. 0001425230

VOLUNTARY SETTLEMENT
AGREEMENT

NOW COME, Basil M. Marchi (hereinafter "Mr. Marchi") 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. Marchi currently holds a resident producer's license with authority for Life, Accident & Health or Sickness, Property, Casualty and Variable Life lines of insurance and Variable Annuity contracts 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, Mr. Marchi entered into an Acceptance, Waiver and Consent Agreement with FINRA resolved on March 23, 2017, without admitting or denying the findings, which resulted in the imposition of a Civil and Administrative Penalty/Fine in the amount of \$10,000.00 and a suspension of six (6) months for willfully failing to amend his Uniform Application for Securities Industry Registration or Transfer (Form U4) to report multiple tax liens; and

WHEREAS, Mr. Marchi 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. Marchi admits to this violation of North Carolina General Statute § 58-33-32(k); and

WHEREAS, North Carolina General Statute § 58-33-46(a)(8) 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 among other things for demonstrating financial irresponsibility in the conduct of business in this State or elsewhere; and

WHEREAS, Mr. Marchi filed Chapter 7 bankruptcy and had over \$900,000.00 in federal and state tax liens, which according to Mr. Marchi was the result of his making underpayments of federal and state taxes for several years for his Sub-Chapter S corporation and for the personnel of such corporation; however, Mr. Marchi has satisfied his state tax liens and has set up a repayment plan with the IRS for satisfying the federal tax liens; and

WHEREAS, failure to remit appropriate taxes to the IRS and the North Carolina Department of Revenue for several years demonstrates financial irresponsibility in the conduct of business in this State and a basis for suspension of Mr. Marchi's licenses issued by this Department pursuant to North Carolina General Statute § 58-33-46(a)(8); 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. Marchi 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. Marchi; and

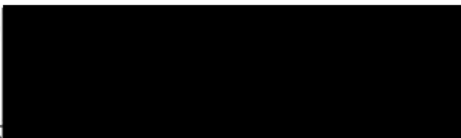
WHEREAS, the parties to this Agreement mutually wish to resolve this matter by consent before the Department initiates an administrative hearing and have reached a mutually agreeable resolution of this matter as set out in this Agreement.

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

1. Immediately upon the signing of this Agreement, Mr. Marchi 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." Mr. Marchi 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 **May 30, 2019**. 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. Marchi or in any other complaints involving Mr. Marchi.
3. Mr. Marchi 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. Marchi 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. Marchi 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. Marchi 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



By: Basu M. Marchi
License No. 0002010087



By: Angela Hatchell
Deputy Commissioner

Date: 05/13/2019

Date: 5/17/19