

**N. C. DEPARTMENT OF INSURANCE AGENT SERVICES DIVISION
RALEIGH, NORTH CAROLINA**



**STATE OF NORTH CAROLINA
COUNTY OF WAKE**

BEFORE THE COMMISSIONER OF INSURANCE

**IN THE MATTER OF THE LICENSURE
OF JAMES J. McATEE
LICENSE NO. 0001587111**

**VOLUNTARY SETTLEMENT
AGREEMENT**

NOW COME, James J, McAtee (hereinafter "Mr. McAtee") and the N. C. Department of Insurance Agent Services Division (hereinafter "Agent Services Division"), and hereby voluntarily and knowingly enter into the following Voluntary Settlement Agreement (hereinafter "this Agreement").

WHEREAS, the Agent Services Division has the authority and responsibility for enforcement of the insurance laws of this State, and for regulating and licensing insurance agencies and agents; and

WHEREAS, Mr. McAtee currently holds a non-resident producer's license with authority for Life insurance and a Variable Life and Variable Annuity license issued by the Agent Services Division; 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 State of Illinois Securities Department, in an administrative proceeding scheduled for December 17, 2004, Mr. McAtee agreed to a forty-five (45) day suspension, a nine (9) month prohibition from being involved in the sale of any variable annuity transactions, and a \$10,000 fine for irregularities in connection with a large number of variable annuity exchanges involving significant surrender charges in that the documentation used to complete such exchanges was incomplete and contained inaccurate information with respect to the disclosure of the nature and costs associated with such exchanges; and

WHEREAS, the Wisconsin Department of Insurance denied Mr. McAtee's application for licensure effective March 30, 2021 for: (1) failure to respond and/or provide information or documentation necessary to complete his application, (2) answered "yes" to the question on the application regarding whether or not any occupation license held by him was censured, suspended, revoked, canceled, terminated, surrendered, fined or been the subject of any

administrative hearing, and (3) answered “no” to the question regarding whether he was currently, or had been found liable in, any lawsuit, arbitrations, or mediation proceeding involving allegations of fraud, misappropriation of funds, misrepresentation or breach of fiduciary when in fact he was, all constituting bases for denial of his application pursuant to Wisconsin insurance laws; and

WHEREAS, Mr. McAtee did not report these administrative actions to the Agent Services Division within 30 days after the final disposition of the actions as required by North Carolina General Statute § 58-33-32(k); and

WHEREAS, Mr. McAtee admits to these violations of North Carolina General Statute § 58-33-32(k); 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, N. C. Gen. Stat. § 58-2-70 provides that whenever the Commissioner has reason to believe that any person has violated any law that would subject the license or certification of that person to suspension or revocation, the Commissioner is authorized, in lieu of a hearing, to negotiate a mutually acceptable agreement as to the status of the person’s license or certificate or to any civil penalty or restitution; and


WHEREAS, Mr. McAtee has agreed to settle, compromise, and resolve the matters referenced in this Agreement on behalf of himself, and the Agent Services Division has agreed not to pursue additional civil ramifications, including penalties, sanctions, remedies, or restitution based on these matters against Mr. McAtee; and


NOW, THEREFORE, in exchange for the consideration and promises and agreements set out herein, Mr. McAtee and the Agent Services Division hereby agree to the following:

1. Immediately upon the signing of this Agreement, Mr. McAtee shall pay a civil penalty of **\$500.00** to the Agent Services Division. 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. McAtee shall remit the civil penalty by certified mail, return receipt requested, to the Agent Services Division along with a copy of this signed Agreement. The civil penalty and the signed Agreement must be received by the Agent Services Division no later than **October 19, 2021**. 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 Agent Services Division's disciplinary power in any future examination of Mr. McAtee or in any other complaints involving Mr. McAtee.
3. Mr. McAtee 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. McAtee 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. McAtee 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 Agent Services Division. Following the execution of this Agreement, all licenses issued by the Agent Services Division to Mr. McAtee shall reflect that Regulatory Action has been taken against him. The Agent Services Division 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 Agent Services Division, upon request, routinely provides a copy of the 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 Agent Services Division has issued an occupational or professional license to you, that regulator may require you to report this administrative action to it. The Agent Services Division cannot give you legal advice as to the specific reporting requirements of other state or federal regulators.

**N.C. Department of Insurance
Agent Services Division**


By: **James J. McAtee**
License No. 0001587111


By: **Angeja Hatchell**
Deputy Commissioner

Date: 10.20.2021

Date: 11/2/2021