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**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 AMBER L. MITCHELL
LICENSE NO. 001175555**

**VOLUNTARY SETTLEMENT
AGREEMENT**

NOW COME, Amber L. Mitchell (hereinafter "Ms. Mitchell") and the Agent Services Division of the N. C. Department of Insurance (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, Ms. Mitchell currently holds a Non-resident Self-Employed Insurance Adjuster license issued by the Agent Services Division; 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. Mitchell on her original application for a Non-resident Self-Employed Insurance Adjuster license dated August 25,2020 and renewal applications dated February 22,2021 and March 04,2022 answered "No" to Question 1b: "Have you ever been convicted of a felony, had a judgment withheld or deferred, or are you currently charged with committing a felony?"; and

WHEREAS, information brought to the attention of the Agent Services Division revealed that Ms. Mitchell was adjudicated Guilty of the offense of Access Device Fraud, a felony, on July 13,2013 in Alabama, was sentenced to five (5) years of probation which terminated on October 11,2017, and was ordered to pay \$11,900.00 in restitution; Ms. Mitchell was pardoned by the Alabama Bureau of Pardons and Paroles on September 03,2020; and

WHEREAS, Ms. Mitchell, by providing materially incorrect, misleading, incomplete and materially untrue information on her application for licensure was in violation of the provisions of N. C. Gen. Stat. § 58-33-46 (a) (1); 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, Ms. Mitchell has agreed to settle, compromise, and resolve the matters referenced in this Agreement on behalf of herself, and the Agent Services Division has agreed not to pursue additional civil ramifications, including penalties, sanctions, remedies, or restitution based on these matters against Ms. Mitchell; and

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

1. Immediately upon the signing of this Agreement, Ms. Mitchell shall pay a civil penalty of **\$250.00** 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**." Ms. Mitchell 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 **December 08, 2022**. 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 Ms. Mitchell or in any other complaints involving Ms. Mitchell.
3. Ms. Mitchell 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. Mitchell 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. Mitchell 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 Ms. Mitchell shall reflect that Regulatory Action has been taken against her. 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: Amber L. Mitchell
License No. 0011755555



By: Angela Hatchell
Deputy Commissioner

Date: November 10th, 2022

Date: 11/15/2022