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NORTH CAROLINA DEPARTMENT OF INSURANCE  
RALEIGH, NORTH CAROLINA

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RECEIVED  
DEC 7 2017  
AGENT SERVICES DIVISION  
N.C. DEPT. OF INSURANCE

STATE OF NORTH CAROLINA  
COUNTY OF WAKE

BEFORE THE COMMISSIONER  
OF INSURANCE

IN THE MATTER OF THE LICENSURE  
OF SCOTT M. MODLIN  
LICENSE NO. 001646223

VOLUNTARY SETTLEMENT  
AGREEMENT

NOW COME Scott M. Modlin (hereinafter "Mr. Modlin") 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 of insurance agents, brokers, limited representatives, adjusters and motor vehicle damage appraisers; and

**WHEREAS**, Mr. Modlin currently holds a non-resident Public Adjuster license; and

**WHEREAS**, North Carolina General Statute § 58-33A-90 provides that a public adjuster shall report to the Commissioner any administrative action taken against the public adjuster in another jurisdiction or by another governmental agency in this State within 30 days after the final disposition of the matter, and shall include a copy of the order, consent order, or other relevant legal documents; and

**WHEREAS**, Mr. Modlin's application for licensure as a Public Adjuster with the Division of Insurance Agent and Agency Services of the Florida Department of Financial Services was denied based on criminal record/history effective May 22, 2017; and

**WHEREAS**, Mr. Modlin did not report this administrative action within 30 days after the final disposition of that matter as required by North Carolina General Statute § 58-33A-90, and therefore was in violation thereof; and

**WHEREAS**, Mr. Modlin admits to this violation of North Carolina General Statute § 58-33A-90; and

**WHEREAS**, North Carolina General Statute § 58-33A-45(a)(2) provides that the Commissioner may place on probation, suspend, revoke, or refuse to issue or renew any a public adjuster's license, or may levy a civil penalty in accordance with G.S.58-2-70 for violating any

insurance laws 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. Modlin has agreed to settle, compromise, and resolve the matter referenced in this Agreement on behalf of himself, and the Department has agreed not to pursue additional penalties, sanctions, remedies, or restitution based on this matter against Mr. Modlin; 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. Modlin and the Department hereby agree to the following:


1. Immediately upon the signing of this Agreement, Mr. Modlin shall pay a civil penalty of **\$250.00** 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. Modlin 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 **December 6, 2017**. 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. Modlin or in any other complaints involving Mr. Modlin.
3. Mr. Modlin 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. Modlin 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. Modlin understands that N.C.G.S. § 58-33A-45(a)(2) provides that a public adjuster'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. Modlin 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.

This the 17<sup>th</sup> day of December, 2017.

**N. C. Department of Insurance**

  
By: Scott M. Modlin  
License No. 0016146223

  
By: Hasije J. Harris  
Senior Deputy Commissioner  
Producers & Products Group