

107352

PAID IN FULL
A.S. - I.

FEB 4 2016

CHECK NO. [REDACTED]
CHECK AMT. [REDACTED]

STATE OF NORTH CAROLINA
COUNTY OF WAKE

NORTH CAROLINA DEPARTMENT OF INSURANCE
RALEIGH, NORTH CAROLINA

RECEIVED IN AGENT SERVICES
A.S. - N.C.D.O.I.

FEB 4 2016

CHECK NO. [REDACTED]
CHECK AMT. 4,900.00

COMMISSIONER [REDACTED] [REDACTED]

BEFORE THE COMMISSIONER
OF INSURANCE

IN THE MATTER OF THE LICENSURE
OF CECIL E. NIVENS
NPN 1297175

VOLUNTARY SETTLEMENT
AGREEMENT

Paid in full. (CEN)

NOW COME Cecil E. Nivens ("Mr. Nivens") and the North Carolina Department of Insurance ("Department"), and hereby voluntarily and knowingly enter into the following Voluntary Settlement Agreement ("Agreement"):

WHEREAS, the Department has the authority and responsibility for enforcement of the insurance laws of this State, and for regulating and licensing insurance producers.

WHEREAS, Mr. Nivens holds producer licenses issued by the Department.

WHEREAS, Mr. Nivens violated N.C. General Statute § 58-33-46(a)(2), specifically N.C. General Statute § 58-46-(a)(5), N.C. General Statute § 58-33-105, 11 NCAC 12.0602, 11 NCAC 12.0605, and 11 NCAC 12.0609.

WHEREAS, under N.C. General Statute § 58-33-46(a), the Commissioner may place on probation, suspend, revoke, or refuse to renew any license issued under Article 33 for violating any insurance law of this or any other state or violating any administrative rule, subpoena, or order of the Commissioner or of another state's insurance regulator.

WHEREAS, Mr. Nivens and the Department have agreed to settle, compromise, and resolve the matters referenced in this Agreement, and the Department has agreed not to pursue additional penalties, sanctions, remedies, or restitution based on these matters against Mr. Nivens.

WHEREAS, pursuant to N.C. General Statute § 58-2-70(g), the Commissioner and the Department have the express authority to negotiate a mutually acceptable agreement with any person as to the status of the person's license or as to any civil penalty or restitution.

WHEREAS, the parties to this Agreement mutually wish to resolve this matter by consent before the Department initiates an administrative hearing concerning this matter.

WHEREAS, the parties to this Agreement have reached a mutually agreeable resolution of this matter as set out in this Agreement.

CONFIDENTIAL - PUBLIC RECORDS
10.01.04 - 3A

NOW, THEREFORE, in exchange for, and in consideration of the promises and agreements set out in this Agreement, the Department and Mr. Nivens hereby agree to the following:

1. Mr. Nivens agrees to pay a civil penalty of four thousand nine hundred dollars (\$4,900.00) to the Department. The civil penalty must be paid with a certified check, cashier's check, or money order; and must be received by the Department contemporaneously with the executed Agreement, signed by Mr. Nivens, no later than January 5, 2016. The civil penalty shall be subject to disbursement in accordance with the provisions of Article IX, Section 7 of the North Carolina Constitution and N.C. General Statute § 115C-457.2 for the benefit of the public schools.
2. Mr. Nivens enters into this Agreement freely and voluntarily and with knowledge of his right to have an administrative hearing on this matter. Mr. Nivens understands that he may consult with an attorney before entering into this Agreement.
3. This Agreement does not in any way affect the Department's disciplinary power in any future examinations of Mr. Nivens or in any other complaints involving Mr. Nivens.
4. The parties to this Agreement agree that this Agreement shall have the full force and effect of an Order of the Commissioner. Mr. Nivens understands that N.C. General Statute § 58-33-46(a)(2) provides that his license may be revoked for violating an Order of the Commissioner.
5. Mr. Nivens has read and understands this Agreement and agrees to abide by the terms and conditions stated in this Agreement.
6. This Agreement, when finalized, will be a public record and is not confidential. Any and all licenses issued by the Department to Mr. Nivens shall reflect that Regulatory Action has been taken against Mr. Nivens following the execution of this Agreement. 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 agreements to the NAIC and all companies that have appointed a licensee.
7. This Agreement shall become effective when signed and attested to by Mr. Nivens and the Department.
8. Mr. Nivens understands that if a state or federal regulator other than the Department has issued an occupational or professional license to Mr. Nivens, that regulator may require Mr. Nivens to report this administrative action to that state or federal regulator. The Department cannot give Mr. Nivens any legal advice as to the specific reporting requirements of other state or federal regulators.

This the 22 day of Feb, 2016.

NORTH CAROLINA DEPARTMENT OF INSURANCE

By: [Redacted]
Cecil E. Nivens

By: [Redacted] 2-22-16
Angela Ford
Senior Deputy Commissioner

