

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

RECEIVED IN AGENT SERVICES  
A.S. - N.C.D.O.I.  
DEC 15 2022  
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PROCESSOR

STATE OF NORTH CAROLINA  
COUNTY OF WAKE

BEFORE THE COMMISSIONER  
OF INSURANCE

IN THE MATTER OF THE LICENSURE  
OF DOUGLAS EARL SWANEY  
LICENSE NO. 0018624517

VOLUNTARY SETTLEMENT  
AGREEMENT

**NOW COME**, Douglas Earl Swaney (hereinafter "Mr. Swaney") 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**, Mr. Swaney currently holds a Non-Resident Producer's license with authority for Life and Accident & Health or Sickness lines of insurance and a Medicare Supplement-Long Term Care Insurance 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**, Mr. Swaney, on his applications dated March 22, 2018 and October 16, 2021 for a Non-Resident Producer's license, answered "No" to questions thereon requesting whether he had been convicted of, or was currently charged with, committing any misdemeanors or felonies

**WHEREAS**, information brought to the attention of the Agent Services Division indicated that Mr. Swaney pled guilty on two (2) occasions to one (1) count of Minor in Possession, Purchase, or Consumption of Malt Beverage or Unfortified Wine, a misdemeanor on December 08, 2008 and August 11, 2009; pled guilty to one (1) count of Possession of Drug Paraphernalia and one (1) count of Simple Possession of a Schedule IV Controlled Substance, both misdemeanors, on May 18, 2011; and pled guilty to one (1) count of Possession of Fictitious Driver's License, a misdemeanor on September 18, 2011; all guilty pleas were entered in Lenoir County (NC) District Court; and

**WHEREAS**, Mr. Swaney, by not including information regarding past criminal history on his applications for licensure as requested and required thereon, was in violation of the provisions of N. C. Gen. Stat. § 58-33-46 (a) (1); and

**WHEREAS**, N. C. Gen. Stat. § 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. Swaney 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. Swaney; and

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

1. Immediately upon the signing of this Agreement, Mr. Swaney 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**." Mr. Swaney 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 13, 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 Mr. Swaney or in any other complaints involving Mr. Swaney.
3. Mr. Swaney 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. Swaney 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. Swaney 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. Swaney 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: Douglas Earl Swaney  
License No. 0018624517



By: Angela Hatchell  
Deputy Commissioner

Date: 11/28/2022

Date: 12/15/2022