

NORTH CAROLINA DEPARTMENT OF INSURANCE
RALEIGH, NORTH CAROLINA

#113958

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STATE OF NORTH CAROLINA
COUNTY OF WAKE

BEFORE THE COMMISSIONER
OF INSURANCE

IN THE MATTER OF THE LICENSURE
OF MARK J. VANA
LICENSE NO. 0016138484

VOLUNTARY SETTLEMENT
AGREEMENT

NOW COME, Mark J. Vana (hereinafter "Mr. Vana") 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 insurance agents; and

WHEREAS, Mr. Vana had been licensed by the Department from May 20, 2015 until August 14, 2016 when he surrendered his license rather than pay a monetary penalty for failure to disclose administrative actions taken against his license in other states; and

WHEREAS, by agreeing to surrender his license, Mr. Vana was ineligible to reapply for a producer's license for a period of three (3) years; and

WHEREAS, Mr. Vana applied for a non-resident producer's license with authority for Life and Accident & Health or Sickness on April 10, 2018, prior to the expiration of the three (3) year period, and therefore not eligible for licensure pursuant to the prior agreement; and

WHEREAS, Mr. Vana's situation has changed and the Department is amenable to re-licensing Mr. Vana upon his agreeing to the conditions offered by the Department in 2016; and

WHEREAS, N.C. Gen. Stat. § 58-33-46a) (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. Vana failed to disclose on his application for a non-resident producer's license with this Department an action taken by the Wisconsin Department of Insurance on or about January 1, 2012 wherein Mr. Vana's license was denied based on a late or incomplete response to information requested by the Wisconsin Department of Insurance; and

WHEREAS, Mr. Vana admits to this violation of N.C. Gen. Stat. § 58-33-46a) (1); and

WHEREAS, N.C. Gen. Stat. § 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, that on or about October 9, 2015 Mr. Vana was assessed a monetary penalty by the Indiana Department of Insurance was for failure to make a required disclosure on the license application, which administrative action was not reported to this Department within 30 days after the final disposition of the matter as required by North Carolina insurance law and a violation of N.C. Gen. Stat. § 58-33-32(k); and

WHEREAS, Mr. Vana admits to this violation of N.C. Gen. Stat. § 58-33-32(k)

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, Mr. Vana has agreed to settle, compromise, and resolve the matters referenced in this Agreement on behalf of himself, and the Department has agreed not to pursue additional penalties, sanctions, remedies, or restitution based on these matters against Mr. Vana; and

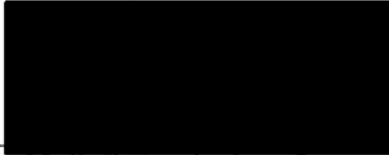
WHEREAS, the parties to this Agreement mutually wish to resolve these matters by consent before the Department initiates an administrative hearing, and have reached a mutually agreeable resolution of this matter as set out in this Agreement.

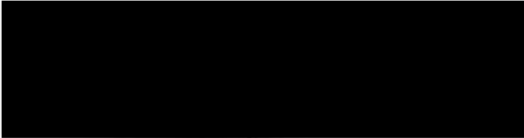
NOW, THEREFORE, in exchange for the consideration and promises and agreements set out herein, Mr. Vana and the Department hereby agree to the following:

1. Immediately upon the signing of this Agreement, Mr. Vana shall pay a civil penalty of **\$500.00** 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. Vana 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 **June 27, 2018**. 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. Upon receipt of this signed document and remittance of the civil penalty, the Department will issue Mr. Vana a producer's license with authority for Life and Accident & Health or Sickness lines of insurance; and
3. This Agreement does not in any way affect the Department's disciplinary power in any future examination of Mr. Vana or in any other complaints involving Mr. Vana.

4. Mr. Vana 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. Vana understands he may consult with an attorney prior to entering into this Agreement.
5. The parties to this Agreement agree that this Agreement shall have the full force and effect of an Order of the Commissioner. Mr. Vana 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.
6. This Agreement, when finalized, will be a public record and will **not** be held confidential by the Department. Following the execution of this Agreement, all licenses issued by the Department to Mr. Vana 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.
7. The parties have read and understand this Agreement and agree to abide by the terms and conditions stated herein.
8. 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.

N.C. Department of Insurance


By: **Mark J. Vana**
License No. 0016138484


By: **Teresa Knowles**
Deputy Commissioner

Date: 6/26/18

Date: 7/16/18