

NORTH CAROLINA DEPARTMENT OF INSURANCE  
RALEIGH, NORTH CAROLINA

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STATE OF NORTH CAROLINA  
COUNTY OF WAKE

BEFORE THE COMMISSIONER  
OF INSURANCE

95643

IN THE MATTER OF THE LICENSURE  
OF KENNETH R. WINSTON  
LICENSE NO. 0008309591

VOLUNTARY SETTLEMENT  
AGREEMENT

NOW COME, Kenneth R. Winston (hereinafter "Mr. Winston") 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. Winston currently holds a producer's license with the Department with authority for Life and Accident Health or Sickness lines of insurance, a Medicare Supplement and Long-Term Care license and a Limited representative license; and

WHEREAS, North Carolina Gen. Stat. § 58-33-46(a)(2) authorizes the Commissioner of Insurance to place on probation, suspend, revoke, or refuse to renew any license issued under Article 33 of the North Carolina General Statutes for violating any insurance law of this or any other state; and

WHEREAS, North Carolina Gen. Stat. § 58-33-46(a)(5) authorizes the Commissioner of Insurance to place on probation, suspend, revoke, or refuse to renew any license issued under Article 33 of the North Carolina General Statutes for intentionally misrepresenting the terms of an actual or proposed insurance contract or application for insurance; and

WHEREAS, North Carolina Gen. Stat. § 58-33-46(a)(8) 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 using fraudulent, coercive, or dishonest practices, or demonstrating incompetence, untrustworthiness, or financial irresponsibility in the conduct of business in this State or elsewhere; and

**WHEREAS**, Mr. Vinston allowed his unlicensed employee, Mr. Bob Ipock, who was not able to be located by the Department, to act as an agent in contacting his insureds and potential insureds, obtaining signatures on insurance documents including applications, and accepting premiums for coverage, among other things, constituting violations of North Carolina Gen. Stat. § 58-33-46 (a)(8); and

**WHEREAS**, Mr. Vinston instructed Mr. Ipock to contact Mrs. Laeula Whitfield, an applicant for life insurance through Mutual of Omaha Life Insurance Company (MOLIC), to request that she telephone MOLIC to do a follow-up interview to her application for insurance, and apparently impersonated Mrs. Whitfield in responding to statements made on the application, some of which were not accurate, constituting violations of North Carolina Gen. Stat. § 58-33-46(a)(5) and (a)(8); and

**WHEREAS**, Mr. Vinston has admitted to these violations; and

**WHEREAS**, Mr. Vinston has 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. Vinston; 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 these matters as set out in this Agreement.

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

1. Immediately upon the signing of this Agreement, Mr. Vinston shall pay a **civil penalty of \$1000.00** to the Department. The form of payment shall be by certified check, cashiers 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. Vinston 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 **October 26, 2012**. 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 examinations or investigations of Mr. Vinston, or in any other complaints involving Mr. Vinston.
3. Mr. Vinston enters into this Agreement freely and voluntarily and with the knowledge of his right to have an administrative hearing on this matter. Mr. Vinston 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. Winston understands that North Carolina Gen. Stat. § 58-33-46(a)(2) provides that an agent'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. Winston 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.

This the 2 day of October, 2012.

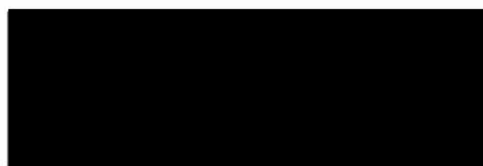


Notary Public for  
Caven County, NC  
my Commission expires  
07-13-2014



**Kenneth R. Winston**  
License No. 0008309591

**North Carolina Department of Insurance**



By: **Angela K. Ford**  
Senior Deputy Commissioner

11-6-12