

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



**STATE OF NORTH CAROLINA  
COUNTY OF WAKE**

**BEFORE THE COMMISSIONER  
OF INSURANCE**

**IN THE MATTER OF THE LICENSURE  
OF KEVIN WARE  
LICENSE NO. 20001107**

**VOLUNTARY SETTLEMENT  
AGREEMENT**

**NOW COME**, Kevin Ware (hereinafter "Mr. Ware") 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. Ware currently holds a non-resident Company/Independent Adjuster 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**, N. C. Gen. Stat. § 58-33-46 (a) (3) 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 obtaining or attempting to obtain a license through misrepresentation or fraud; and

**WHEREAS**, N. C. Gen. Stat. § 58-33-46 (a) (6) 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 having been convicted of a felony or misdemeanor involving dishonesty, a breach of trust, or moral turpitude; and

**WHEREAS**, Mr. Ware answered "No" to Question 1b. on his original application for licensure dated July 28, 2021: "Have you ever been convicted of a felony, had a judgment withheld or deferred, or are you currently charged with committing a felony?"; and

**WHEREAS**, Mr. Ware on his application dated July 28, 2021 for a non-resident Company/Independent Adjuster license, did not include information regarding his 1989 felony burglary conviction; and

**WHEREAS**, Mr. Ware, by failing to disclose his criminal conviction of felony burglary, which involved dishonesty, a breach of trust, or moral turpitude, was in violation of the provisions of N. C. Gen. Stat. §§ 58-33-46 (a) (1) (3) and (6); and

**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**, 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

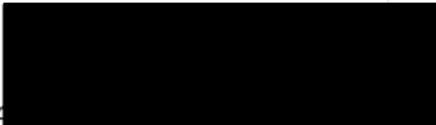
**WHEREAS**, Mr. Ware has agreed to settle, compromise, and resolve the matters referenced in this Agreement on behalf of himself, and the Agent Services Division has agreed not to pursue additional civil ramifications, including penalties, sanctions, remedies, or restitution based on these matters against Mr. Ware; and

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

1. Immediately upon the signing of this Agreement, Mr. Ware 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. Ware 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 **April 26, 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. Ware or in any other complaints involving Mr. Ware.

3. Mr. Ware 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. Ware 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. Ware understands that N.C.G.S. § 58-33-46(a)(2) provides that his non-resident Company/Independent Adjuster 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. Ware 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: ~~Kevin~~ Ware  
License No. 200011107

  
By: Angela Hatchell  
Deputy Commissioner

Date: 4/22/22

Date: 4/27/2022