

NORTH CAROLINA DEPARTMENT OF INSURANCE  
RALEIGH, NORTH CAROLINA

# 114565

RECEIVED IN AGENT SERVICES A.S. - N.C.D.O.I.	
APR - 5 2019	
CHECK NO. 20	[REDACTED]
CHECK AMT. \$ 500.00	PROCESSOR

STATE OF NORTH CAROLINA  
COUNTY OF WAKE

BEFORE THE COMMISSIONER  
OF INSURANCE

IN THE MATTER OF THE LICENSURE  
OF KEVIN WHITLEY  
LICENSE NO. 0007095405

VOLUNTARY SETTLEMENT  
AGREEMENT

NOW COME, Kevin Whitley (hereinafter "Mr. Whitley") 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. Whitley currently holds a resident producer's license with authority for Life, Accident & Health or Sickness, Property, and Casualty lines of insurance and a Medicare Supplement Long-Term Care license issued by the Department; and

**WHEREAS**, Mr. Whitley is an owner/member and designated responsible licensed producer of, and for Whitley Insurance Services, which currently holds a resident Business Entity (Corporation) license in North Carolina; and

**WHEREAS**, North Carolina General Statute § 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. Whitley answered "No" to the question on his November 11, 2018 application for a Corporate Entity Business License for Whitley Insurance Services (License No. 1000611238): "Has the business entity or any owner, partner, officer or director of the business entity, or member or manager of a limited liability company ever been convicted of a felony, had judgment withheld or deferred, or is the business entity or any owner, partner, officer or director of the business entity or member or manager of a limited liability company **currently charged** with committing a felony?"; and

**WHEREAS**, Mr. Whitley was charged with the Felony Offense of "OBTAIN PROPERTY FALSE PRETENSE GS 14-100" in Carteret County, NC (Case No. 18CR 051994) and initially set for trial on October 12, 2018, but was continued and eventually reduced to Misdemeanor FIRST DEG TRESP ENTER/REMAIN GS 14-159.12 (Carteret County, NC 18CR 051994); and

**WHEREAS**, Mr. Whitley by answering "No" to the question on the November 11, 2018 application was in violation of North Carolina General Statute § 58-33-46(a)(1), and admits to such violation; and

**WHEREAS**, North Carolina General Statute § 58-2-69(c) provides that if a licensee is convicted in any court or competent jurisdiction for any crime or offense other than a motor vehicle infraction, the licensee shall notify the Commissioner within 10 business days after the date of the conviction; and "conviction" includes an adjudication of guilt, a plea of guilty, or a plea of "nolo contendere; and

**WHEREAS**, on December 7, 2018 Mr. Whitley was found guilty of the criminal violation, FIRST DEG TRESPENTER/REMAIN in Carteret County, NC (18CR 051994); and

**WHEREAS**, such conviction was not reported to the Department as required in compliance with the provisions of N.C. Gen. Stat. § 58-2-69(c); and

**WHEREAS**, Mr. Whitley admits to this violation of North Carolina General Statute § 58-2-69(c); 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**, Mr. Whitley 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. Whitley; and

**WHEREAS**, the parties to this Agreement mutually wish to resolve this matter 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. Whitley and the Department hereby agree to the following:

1. Immediately upon the signing of this Agreement, Mr. Whitley 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. Whitley 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 **March 20, 2019**. 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 examination of Mr. Whitley or in any other complaints involving Mr. Whitley.
3. Mr. Whitley 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. Whitley 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. Whitley 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 Department. Following the execution of this Agreement, all licenses issued by the Department to Mr. Whitley 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.

7. 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: Kevin Whitley

License No. 0007095405



By: Angela Hatchell

Deputy Commissioner

Date: 4/3/19

Date: 4/8/19