

NORTH CAROLINA DEPARTMENT OF INSURANCE
RALEIGH, NORTH CAROLINA

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AUG 13 2019
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COMMISSIONER \$256.18
OF INSURANCE PROCESSOR

STATE OF NORTH CAROLINA
COUNTY OF WAKE

BEFORE THE COMMISSIONER
OF INSURANCE

IN THE MATTER OF THE LICENSURE
OF DANIEL J. WILHELM NPN 13683712

VOLUNTARY SETTLEMENT
AGREEMENT

NOW COME Daniel J. Wilhelm (hereinafter “Mr. Wilhelm”) 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 of insurance agents, brokers, limited representatives, adjusters and motor vehicle damage appraisers; and

WHEREAS, Mr. Wilhelm applied for a non-resident producer’s license with authority for Property and Casualty lines of insurance with the Department on September 21, 2018; and

WHEREAS, Mr. Wilhelm answered “Yes” to the screening question, “*Have you ever been named or involved as a party in an administrative proceeding, including FINRA sanction or arbitration proceeding regarding any professional or occupational license or registration?*”; and

WHEREAS, Mr. Wilhelm was previously licensed as a non-resident producer with authority for Life insurance line of authority issued by this Department from April 8, 2014 through February 02, 2016; and

WHEREAS, Mr. Wilhelm’s payment of the \$100.00 application fee to the Department and accompanying fee of \$6.18 imposed by the National Insurance Producer Registry for his 2014 license application was rejected by his bank for “Insufficient Funds.”; and

WHEREAS; Mr. Wilhelm did not respond to repeated requests from this Department and the National Insurance Producer Registry for payment of the license and processing fees; and

WHEREAS, N.C. Gen. Stat. 58-33-46(a)(8) among other things, provides that the Commissioner may refuse to issue any license for demonstrating incompetence, untrustworthiness, or financial irresponsibility in the conduct of business in this State or elsewhere; and

WHEREAS, on or about February 02, 2016 Mr. Wilhelm's license was revoked by this Department for failing to pay the required application fees, citing as a basis for such action, demonstrating "incompetence, untrustworthiness, and financial irresponsibility in the conduct of business in this State or elsewhere"; and

WHEREAS, N.C. Gen. Stat. 58-33-46(a)(2) provides that the Commissioner may refuse to issue any license for violation of any insurance law of this State, any administrative rule, subpoena or order of the Commissioner; and

WHEREAS, Mr. Wilhelm's current (2018) application was denied by the Department by letter dated April 05, 2019 based on his prior violations, namely N.C. Gen. Stat. 58-33-46(a)(2) and (a)(8), and Mr. Wilhelm requested a review of the Department's action by email dated May 14, 2019; and

WHEREAS, Mr. Wilhelm 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 this matter against Mr. Wilhelm; 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.

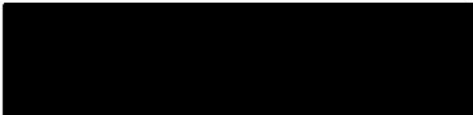
NOW, THEREFORE, in exchange for the consideration and promises and agreements set out herein, Mr. Wilhelm and the Department hereby agree to the following:

1. Immediately upon the signing of this Agreement, Mr. Wilhelm shall pay a civil penalty of **\$250.00** 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. Wilhelm 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 **July 26, 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. Upon payment of the civil penalty, reimbursement to the Department for the prior license application fees in the amount of \$106.18 and return of the signed Agreement to this Department Mr. Wilhelm shall be issued a North Carolina non-resident Producer's license; and
3. This Agreement does not in any way affect the Department's disciplinary power in any future examination of Mr. Wilhelm or in any other complaints involving Mr. Wilhelm.
4. Mr. Wilhelm 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.

Wilhelm 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. Wilhelm 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. Wilhelm 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: Daniel J. Wilhelm
Applicant



By: Angela Hatchell
Deputy Commissioner

Date: 7/24/19

Date: 8/12/19