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OCT 30 2009

NORTH CAROLINA DEPARTMENT OF INSURANCE  
RALEIGH, NORTH CAROLINA

CHECK NO. \_\_\_\_\_  
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PROCESSOR  
STATE OF NORTH CAROLINA  
COUNTY OF WAKE

BEFORE THE COMMISSIONER  
OF INSURANCE

IN THE MATTER OF THE LICENSURE  
OF MICHAEL ZWICK

VOLUNTARY SETTLEMENT  
AGREEMENT

NOW COME Michael Zwick (hereinafter "Mr. Zwick") 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 insurance laws of this State, and for regulating and licensing insurance agents; and

WHEREAS, Mr. Zwick holds active licenses in the areas of Life, Accident & Health or Sickness, and Medicare Supplement Long-Term Care issued by the Department; and

WHEREAS, Mr. Zwick's National Producer Number is 8247707; and

WHEREAS, on or about December 12, 2006, a North Carolina consumer filed a complaint with the Department's Consumer Services Division alleging that Mr. Zwick misrepresented to her that a Family Heritage Life Insurance Company of America cancer policy would cover claims immediately, when in fact there was a 30 day exclusionary period on that policy; and

WHEREAS, on or about March 11, 2009, a North Carolina consumer who is a senior citizen filed a complaint with the Department's Consumer Services Division alleging that Mr. Zwick had represented that he could get that consumer a \$1,000.00 rebate on the consumer's current life insurance policy and that the consumer's insurance company was going out of business; and

WHEREAS, on or about March 20, 2009, a North Carolina consumer filed a complaint with the Department's Consumer Services Division alleging that Mr. Zwick offered him a \$400 rebate if that consumer would cancel her existing policy with Monumental Life to sign on to a policy offered by Mr. Zwick; and

WHEREAS, the actions alleged in the December 12, 2006, March 11, 2009 and March 20, 2009 consumer complaints constitute intentional misrepresentations of the terms of an actual or proposed contract of insurance pursuant to N.C. Gen. Stat. § 58-33-46(a)(5), and

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using fraudulent, coercive, or dishonest practices in the conduct of business pursuant to N.C. Gen. Stat. § 58-33-46(a)(8); and

WHEREAS, Mr. Zwick's agent license could be revoked for violation of the insurance laws pursuant to N.C. Gen. Stat. §§ 58-33-46(a)(5) and 58-33-46 (a)(8); and

WHEREAS, Mr. Zwick attended an informal conference with the Department on August 31, 2009; and

WHEREAS, Mr. Zwick 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. Zwick; 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 of the promises and agreements set out herein, the Mr. Zwick and the Department hereby agree to the following:

1. Immediately upon his signing of this document, Zwick shall pay a civil penalty of \$500.00 to the Department. The form of payment shall be in a 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". Zwick shall send the civil penalty by certified mail, return receipt requested, to the Department simultaneously with the return of this Agreement, signed by Zwick. The civil penalty and the signed Agreement must be received by the Department no later than December 1, 2009.
2. This Agreement does not in any way affect the Department's disciplinary power in any future examinations of Mr. Zwick or Zwick Enterprises, Inc., or in any other complaints involving Mr. Zwick or Zwick Enterprises, Inc.
3. Mr. Zwick enters into this Agreement freely and voluntarily and with knowledge of his right to have an administrative hearing on this matter. Mr. Zwick understands that 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. Zwick understands that N. C. 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 is not confidential. Any and all licenses issued by the Department to the licensee shall reflect that Regulatory

Action has been taken against the licensees following the execution of this Agreement. 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 agreements to all companies that have appointed the licensee.

6. Mr. Zwick has read and understands this Agreement and agrees to abide by the terms and conditions stated herein.

This the 28<sup>th</sup> day of October, 2009.



Michael Zwick

North Carolina Department of  
Insurance



By: Angela Ford  
Senior Deputy Commissioner

10-30-09