

**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 TERRY W. BROWN
LICENSE NO. 0005442613**

**VOLUNTARY SETTLEMENT
AGREEMENT**

NOW COME, Terry W. Brown (hereinafter "Mr. Brown") 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. Brown currently holds a Non-Resident Producer's license with authority for Life Insurance issued by the Agent Services Division; and

WHEREAS, North Carolina General Statute § 58-33-32(k) requires producers to report to the Commissioner any administrative action taken against the producer in another state or by another governmental agency in this State, including enforcement actions taken against the producer by the Financial Industry Regulatory Authority (FINRA), within 30 days after the final disposition of the matter; and

WHEREAS, the California Department of Insurance, effective October 13, 2022, denied Mr. Brown's September 24, 2021 application for a non-resident life only producer's license based on past criminal history and action taken against Mr. Brown's other professional license. Mr. Brown was convicted in Utah on February 27, 2003 of "Lewdness involving a Child, a misdemeanor, with adjudication held in abeyance until July 10, 2003 and ultimately dismissed. Mr. Brown was convicted in Utah on July 13, 2009 of two (2) counts of Securities Fraud, both 3rd Degree Felonies, both reduced to Misdemeanors; and on September 01, 2010 Mr. Brown's real estate license was revoked by the Utah Department of Commerce, Division of Real Estate; and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, Mr. Brown, on his application dated September 24, 2021 for a Non-Resident Producer's license, answered "No" to questions thereon requesting information regarding prior criminal charges and convictions; and

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WHEREAS, Mr. Brown, by answering the questions on the application regarding past criminal history incorrectly, in a misleading manner, incompletely, or by providing materially untrue answers, was in violation of the provisions of N. C. Gen. Stat. § 58-33-46 (a)(1); and

WHEREAS, N. C. Gen. Stat. § 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. Brown 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. Brown; and

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

1. Immediately upon the signing of this Agreement, Mr. Brown shall pay a civil penalty of **\$500.00** 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. Brown 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 **May 06, 2023**. 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. Brown or in any other complaints involving Mr. Brown.
3. Mr. Brown 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. Brown 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. Brown 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 Agent Services Division. Following the execution of this Agreement, all licenses issued by the Agent Services Division to Mr. Brown 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: Terry W. Brown
License No. 0005442613



By: Angela Hatchell
Deputy Commissioner

Date: May 22, 2023

Date: 6/1/2023

