

**NORTH CAROLINA DEPARTMENT OF INSURANCE
RALEIGH, NORTH CAROLINA**

**STATE OF NORTH CAROLINA
COUNTY OF WAKE**

**BEFORE THE COMMISSIONER
OF INSURANCE**

**IN THE MATTER OF THE LICENSURE
OF BRIAN LALUSIN
LICENSE NO. 0013483761**

**VOLUNTARY SETTLEMENT
AGREEMENT**

NOW COME, Brian Lalusin (hereinafter "Mr. Lalusin") 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. Lalusin currently holds a non-resident producer's license with authority for Personal Lines insurance issued by the Department; 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, an administrative proceeding was held with respect to Mr. Lalusin's producer's license by the Delaware Department of Insurance, resulting in the issuance of a Final Order and Decision dated August 25, 2015 revoking his Delaware license; and

WHEREAS, an administrative proceeding was held with respect to Mr. Lalusin's producer's license by the Commonwealth of Virginia, State Corporation Commission, resulting in the issuance of an Order dated April 26, 2016 revoking his license to transact the business of insurance as an insurance agent in Virginia; and

WHEREAS, an administrative proceeding was held with respect to Mr. Lalusin's producer's license by the State of Oregon, Department of Consumer and Business Services, Division of Financial Regulation, resulting in the issuance of a Final Order to Cease and Desist and Order Denying Application, Entered by Default, dated May 10, 2016; and

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WHEREAS, Mr. Lalusin did not report these actions to the Department within 30 days after the final disposition of the matter as required by North Carolina General Statute § 58-33-32(k), and therefore was in violation thereof; and

WHEREAS, North Carolina General Statute § 58-33-46a(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, an Order Deferring Adjudication of Guilty and Placing Defendant on Community Supervision dated March 2, 2014 with respect to the criminal offense of Possession of Marijuana was entered against Mr. Lalusin in the County Court of Nueces County Texas, imposing fines, court costs and other fees, and requiring Mr. Lalusin to complete 24 hours of community service; and

WHEREAS, Mr. Lalusin answered "No" to the question on his initial application for license as a non-resident producer dated October 11, 2011 to the question: "Have you ever been convicted of a crime, had a judgment withheld or deferred, or are you currently charged with committing a crime? "Crime" includes a misdemeanor, felony or a military offense. You may exclude misdemeanor traffic citations or conviction involving driving under the influence (DUI) or driving while intoxicated (DWE), driving without a license, reckless driving, or driving with a suspended or revoked license and juvenile offenses. "Convicted" includes, but is not limited to, having been found guilty by verdict of a judge or jury, having entered a plea of guilty or nolo contendere, or having been given a probation, suspended sentence or a fine."; and

WHEREAS, Mr. Lalusin admits to these violations of North Carolina General Statutes §§ 58-33-32(k) and 58-33-46a(1); 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. Lalusin has agreed to settle, compromise, and resolve the matter 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. Lalusin; 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. Lalusin and the Department hereby agree to the following:

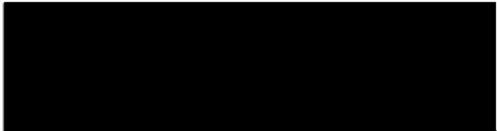
1. Immediately upon the signing of this Agreement, Mr. Lalusin shall pay a civil penalty of **\$1000.00** to the Department. The form of payment shall be by certified check, cashier's check or money order. The check or money order for the payment of this civil penalty shall be payable to the "North Carolina Department of Insurance." Mr. Lalusin 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 May 24, 2017. 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. Lalusin or in any other complaints involving Mr. Lalusin.
3. Mr. Lalusin 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. Lalusin 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. Lalusin 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, any and all licenses issued by the Department to Mr. Lalusin 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.

This the 17th day of May, 2017.

N.C. Department of Insurance

By: 
License No. 0013483761

By: 
Senior Deputy Commissioner *Hasije P. Harris*