

NCGS 58-33-46(a) 8
Forsyth County

FEB 12 2007

NORTH CAROLINA DEPARTMENT OF INSURANCE
RALEIGH, NORTH CAROLINA

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N.C. DEPT. OF JUSTICE
INSURANCE

STATE OF NORTH CAROLINA

BEFORE THE COMMISSIONER
OF INSURANCE

COUNTY OF WAKE

IN THE MATTER OF
THE LICENSURE OF
JOHN N. MICHELOTTI

RECEIVED IN AGENT SERVICES
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Docket Number: 1227

**CONSENT ORDER
AND FINAL AGENCY DECISION**

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AGENT SERVICES DIVISION

THIS CAUSE is pending before the undersigned hearing officer, as designated by the Commissioner of Insurance pursuant to North Carolina General Statute § 58-2-55.

Respondent John Michelotti was represented by David P. Ferrell, Esq., of the law firm of Vandevanter Black LLP, and Petitioner, the North Carolina Department of Insurance (hereinafter "NCDOI"), was represented by Rebecca Elizabeth Lem, Assistant Attorney General.

THE PARTIES HERETO STIPULATE AND AGREE AS FOLLOWS:

1. Respondent is a citizen and resident of Forsyth County, North Carolina.
2. Respondent currently holds active licenses issued by NCDOI in the areas of Life and Health and Medicare Supplement/LTC. The Respondent previously held a license in the area of Property and Liability until April 1, 2005, but doesn't currently hold said license.
3. This matter is properly before the Commissioner, and the Commissioner has jurisdiction over this matter pursuant to Chapter 58 of the North Carolina General Statutes.

4. The parties have agreed to settle, compromise, and resolve the matters referenced in the Notice of Hearing in this matter as set out in this Consent Order.
5. The parties stipulate and agree that the Respondent formerly held a North Carolina real estate brokers license ("real estate license") which the Respondent surrendered in 2001, following a licensing matter with the North Carolina Real Estate Commission in the year 2000.
6. The parties stipulate and agree that the Respondent applied to NCDOI for a license in the area of Life & Health and subsequently obtained this license after passing an exam that took place on October 1, 2001.
7. The parties stipulate and agree that the Respondent applied to NCDOI for a license in the area of Medicare -Supplement/LTC, and subsequently obtained this license after passing an exam that took place on October 13, 2001.
8. The parties stipulate and agree that the Respondent applied to NCDOI for a license in the area of Property and Liability, and subsequently obtained this license after passing an exam that took place on August 6, 2002.
9. The parties stipulate and agree that the applications for each of these three exams (Life & Health, Medicare Supplement/LTC, and Property and Liability. hereinafter referred to collectively as "license exams") were completed by the Respondent on a computer at a testing center at the same time that the applicant sits for the exam.
10. The parties stipulate and agree that the Respondent answered "No" to Screening Question 4 on all three license exams (Life and Health in October 2001; Medicare Supplement/LTC in October 2001; Property and Liability in August, 2002), which asked "have you or any business in which you are or were an owner, partner, officer, or director ever been involved in an administrative proceeding regarding any professional or occupational license?"
11. The parties agree that the Respondent should have answered "Yes" to Screening Question 4 on all three license exams. The Respondent contends that he had not intended to mislead NCDOI when answering Question 4 on these three licensing exams.

IT IS, THEREFORE, BY CONSENT, ORDERED AS FOLLOWS:

12. The parties have agreed to resolve this matter as set forth herein.
13. The Respondent must execute and return this Consent Order to the offices of the Insurance Section of the North Carolina Attorney General's Office no later than February 12, 2007.
14. The Respondent shall pay a fine in the amount of **seven hundred and fifty dollars** and NO/100 (\$750.00) to NCDOI, which shall be received by the Insurance Section of the North Carolina Attorney General's Office no later than **March 30, 2007**. The form of payment shall be

in a certified check, cashiers check or money order, payable to the "North Carolina Department of Insurance." **If the Respondent does not remit the entire amount of the fine (\$750.00) to the Department by March 30, 2007, the Respondent agrees to voluntarily surrender all licenses issued to him by the Department.** In the event of non-remittance of the entire amount of the fine, the effective date of Respondent's license surrender will be April 2, 2007.

15. This Consent Order resolves all allegations set forth in the Notice of Hearing in this matter. Nothing whatsoever in this Consent Order, however, shall be construed to prohibit the Department from pursuing any further instances of violations of the insurance laws and regulations by Respondent.

16. Respondent expressly waives his right to any further proceedings in this matter. Respondent also expressly waives his right to seek judicial review or to otherwise challenge the validity of this Consent Order.

17. The parties further agree and acknowledge that this written agreement sets forth all of the terms and conditions between them concerning the subject matter of this agreement, superseding all prior oral and written statements and representations, and that there are no terms or conditions between the parties except as specifically set forth in this agreement.

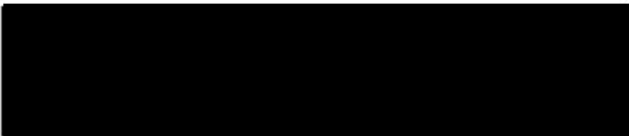
SO ORDERED this the 19th day of Feb., 2007.



William Hale, Hearing Officer
N.C. Department of Insurance

CONSENTED TO:

NORTH CAROLINA DEPARTMENT OF
INSURANCE



By:  2-16-07


JOHN MICHELOTTI
Licensee

ANGELA FORD
Senior Deputy Commissioner

APPROVED AS TO FORM:



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