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NORTH CAROLINA DEPARTMENT OF INSURANCE

RALEIGH, NORTH CAROLINA

JUL 3 1 2018

OF WAKE

OF INSURANCE

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STATE OF NORTH CAROLINA COUNTY OF WAKE

IN THE MATTER OF THE LICENSURE OF TEN 250 CORPORATION LICENSE: 1000007618

VOLUNTARY SETTLEMENT AGREEMENT

PROCESSOR

**NOW COME**, TEN 250 CORPORATION (hereinafter "(TEN 250") 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 business entities; and

WHEREAS, TEN 250 currently holds a non-resident Business Entity License with the Department; and

WHEREAS, North Carolina Gen. Stat. § 58-33-46(a)(2) authorizes the Commissioner of Insurance to place on probation, suspend, revoke, or refuse to renew any license issued under Article 33 of the North Carolina General Statutes for violating any insurance law of this or any other state; and

WHEREAS, North Carolina Gen. Stat. § 58-33-31(b) (2) requires licensed business entities to designate a licensed producer, who is a natural person, who is responsible for the business entity's compliance with the insurance laws and administrative rules of this State and orders of the Commissioner; and

WHEREAS, North Carolina General Statute § 58-33-32(k) requires designated producers on behalf of the licensed business entity to report to the Commissioner any administrative action taken against the producer in another state or by another governmental agency in this State within 30 days after the final disposition of the matter; and

WHEREAS, TEN 250 executed a Consent Order with the New Jersey Commissioner of Banking and Insurance effective August 11, 2017 wherein it was fined in the amount of \$5000.00 for various insurance law violations with respect to marketing that involved untrue, deceptive or misleading advertising, employing an unlicensed person to conduct insurance business on its behalf, accepting insurance business from unlicensed or non-appointed persons,

with such activities demonstrating a lack of fitness or untrustworthiness in the conduct of insurance business; and

WHEREAS, TEN 250 executed a Consent Order Levying a Fine with the State of Washington Department of Insurance effective October 17, 2017 wherein it was fined in the amount of \$250.00 for failure to report other state's action taken against its producer's license; and

WHEREAS, TEN 250 executed a Stipulation and Consent Order with the Delaware Department of Insurance effective January 18, 2018 wherein it was fined in the amount of \$500.00 for not reporting an administrative action taken against its license by another jurisdiction; and

WHEREAS, TEN 250 did not report the New Jersey, Washington or Delaware administrative actions within 30 days after the disposition of those matters as required by North Carolina insurance law; and

WHEREAS, TEN 250 admits to these violations of North Carolina General Statute § 58-33-32(k); and

WHEREAS, TEN 250 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 TEN 250; 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, TEN 250 and the Department hereby agree to the following:

- 1. Immediately upon the signing of this Agreement, TEN 250 shall pay a civil penalty of \$750.00 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." TEN 250 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 11, 2018. 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 TEN 250, or in any other complaints involving TEN 250.

- 3. TEN 250 enters into this Agreement freely and voluntarily and with the knowledge of its right to have an administrative hearing on this matter. TEN 250 understands it 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. TEN 250 understands that N.C.G.S. § 58-33-46(a)(2) provides that a business entity's license may be revoked for violating an Order of the Commissioner.
- 5. This Agreement, when finalized, will be a public record and will <u>not</u> be held confidential by the Department. Following the execution of this Agreement, all licenses issued by the Department to TEN 250 shall reflect that Regulatory Action has been taken against it. 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. 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.

TEN 250 CORPORATION License No. 1000433052

North Carolina Dept. of Insurance

By: Vivek Ajay Shah CEO & DRLP	By: Teresa Knowles Deputy Commissioner
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Date: 6/11/2018

Date: 07/31/2018