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PROCESSOR

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 KIRST VANNEST
NPN: 20008204

VOLUNTARY SETTLEMENT
AGREEMENT

NOW COME, Kirsten VanNest (hereinafter "Ms. VanNest") 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 agents; and

WHEREAS, Ms. VanNest currently holds a Non-Resident Producer's license with authority for Accident & Health or Sickness insurance and a Medicare Supplement Long-Term Care insurance license 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 Missouri by the Financial Industry Regulatory Authority (FINRA), within 30 days after the final disposition of the matter; and

WHEREAS, Ms. VanNest was involved in an administrative proceeding with the Florida Department of Financial Services, effective November 18, 2021, the Wisconsin Department of Insurance on February 18, 2022, and the Wisconsin Department of Insurance a second time on August 23, 2023 in which her applications for licensure were denied based on prior criminal history, non-disclosure of such information on her application for licensure, non-responses to requests for information regarding such conviction, and the failure to report such past criminal history in a timely manner. The past criminal history involved a guilty plea in the Circuit Court of Greene County, Missouri, Case No. 0931-CR04563 on January 27, 2010, for Class C Felony Stealing for which Ms. VanNest was sentenced to five (5) years' probation, and ordered to pay court costs, fines and restitution in the amount of \$2,330.00. Ms. VanNest completed her probation on March 09, 2015; and

WHEREAS, Ms. VanNest failed to report the administrative actions taken by Florida and Wisconsin within 30 days after the final disposition of those matters as required by North Carolina General Statute § 58-33-32(k), and therefore, was in violation thereof; and

WHEREAS, North Carolina General Statute § 58-33-46(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, Ms. VanNest has agreed to settle, compromise, and resolve the matter referenced in this Agreement on behalf of herself, and the Agent Services Division has agreed not to pursue additional civil ramifications, including penalties, sanctions, remedies, or restitution based on this matter against Ms. VanNest; and

WHEREAS, the parties to this Agreement mutually wish to resolve this matter by consent before the Agent Services Division 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, Ms. VanNest and the Department hereby agree to the following:

1. Immediately upon the signing of this Agreement, Ms. VanNest 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." Ms. VanNest 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 Department must receive the civil penalty and the signed Agreement no later than **February 12, 2024**. 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 Ms. VanNest or in any other complaints involving Ms. VanNest.
3. Ms. VanNest enters into this Agreement, on behalf of herself, freely and voluntarily and with the knowledge of her right to have an administrative hearing on this matter. Ms. VanNest understands she 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. Ms. VanNest 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

Agents Services Division to Ms. VanNest shall reflect that Regulatory Action has been taken against her. 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 will provide a copy of the voluntary settlement agreement to 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**

[Redacted Signature]

By: Kirsten VanNest
NPN: 20008204

[Redacted Signature]

By: Joe Wall
Deputy Commissioner

Date: January 11, 2024

Date: 1/23/2024