

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 )  
IVAN ALVAREZ )  
(NPN # 16180326) )

Respondent. )  
)  
)

ORDER AND  
FINAL AGENCY DECISION

Docket Number: 2066

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THIS MATTER was heard on November 30, 2021 by the undersigned Hearing Officer, designated by the North Carolina Commissioner of Insurance (hereinafter, "Commissioner") under N.C. Gen. Stat. § 58-2-55. The administrative hearing was held in Hearing Room #131 of the Albemarle Building, located at 325 North Salisbury Street, Raleigh, Wake County, North Carolina.

Petitioner, the Agent Services Division of the North Carolina Department of Insurance (hereinafter, "Agent Services"), was represented by Assistant Attorney General Nathan Childs. Respondent Ivan Alvarez (hereinafter, "Respondent") did not appear and was not represented by counsel at the hearing.

Service of the Notice of Administrative Hearing providing Respondent with due notice of the November 30, 2021 hearing was perfected by United States Certified Mail on October 28, 2021, as shown by the Affidavit of Service, United States Postal Service domestic return receipt, and United States Postal Service tracking record admitted into evidence at the hearing.

Agent Services moved, pursuant to 11 N.C.A.C. 1.0423(A), for the imposition of sanctions due to Respondent's failure to appear at the hearing. Petitioner's motion for sanctions is DENIED. The undersigned Hearing Officer proceeded to accept and consider testimony and evidence offered by Agent Services in support of its Petition at the hearing.

Joe Wall, Compliance Section Supervisor, appeared and testified on behalf of Agent Services. Agent Services offered into evidence Exhibits 1 through 11, which were admitted into evidence.

BASED UPON the careful consideration of the testimony and evidence presented at the hearing by Agent Services, and based upon the entire record in this proceeding, the Hearing Officer hereby makes the following:

### FINDINGS OF FACT

1. Respondent has an active non-resident North Carolina Insurance Producer's license with lines of authority in Property and Casualty ("License"). Respondent's License was first issued on February 13, 2019.

2. Effective September 10, 2019, the Maryland Insurance Administration took administrative action against Respondent denying Respondent's application for licensure due to Respondent's failure to disclose adverse administrative actions taken against him by other states on Respondent's Maryland licensure application, in violation of Maryland law.

3. Respondent did not report the September 10, 2019 Maryland administrative action to the Commissioner within thirty days as required by N.C. Gen. Stat. § 58-33-32(k). Ninety days after the final disposition of the Maryland administrative action, Respondent made a late report to the Commissioner via the National Insurance Producer Registry. However, Respondent did not include a copy of the September 10, 2019 Maryland denial letter in his December 9, 2019 report of the Maryland administrative action, as required by N.C. Gen. Stat. § 58-33-32(k).

4. Effective May 8, 2020, the Illinois Department of Insurance took administrative action against Respondent denying Respondent's application for licensure due to Respondent's failure to disclose adverse administrative actions taken against him by other states on Respondent's Illinois licensure application, in violation of Illinois law.

5. Respondent did not report the May 8, 2020 Illinois administrative action to the Commissioner within thirty days as required by N.C. Gen. Stat. § 58-33-32(k).

6. Effective May 29, 2020, the Louisiana Department of Insurance took administrative action against Respondent, issuing a "Notice of Revocation Order" revoking Respondent's Louisiana insurance producer license due to Respondent's failure to report the administrative action taken against his insurance license by the Maryland Insurance Administration within thirty days, as required by Louisiana law, and Respondent's failure to respond to the Louisiana Department of Insurance's November 22, 2019 request for documentation and information related to the Maryland administrative action, in violation of Louisiana law.

7. Respondent did not report the May 29, 2020 Louisiana administrative action to the Commissioner within thirty days as required by N.C. Gen. Stat. § 58-33-32(k).

8. Agent Services sent correspondence to Respondent's electronic addresses of record on June 17, 2020, July 2, 2020, and August 20, 2020 requesting that Respondent produce documentation and written statements regarding the Louisiana and Illinois administrative actions within ten days. No responses from Respondent were received by Agent Services regarding these requests.

BASED UPON the foregoing findings of fact, the Hearing Officer makes the following:

### CONCLUSIONS OF LAW

1. This matter is properly before the Commissioner, and the Commissioner has jurisdiction over the parties and the subject matter.

2. Respondent was properly served with the Notice of Administrative Hearing in this matter, but failed to attend the November 30, 2021 hearing or retain counsel to represent him at the hearing.

3. Pursuant to N.C. Gen. Stat. § 58-33-46(a)(2), one basis for the revocation of a license issued by the Department of Insurance is violation of the insurance laws of North Carolina.

4. N.C. Gen. Stat. § 58-33-32(k) is a North Carolina insurance law that requires an insurance producer to report to the Commissioner "any administrative action" taken against the producer by another state "within 30 days after the final disposition of the matter." Section 58-33-32(k) further specifies that this report "shall include a copy of the order or consent order and other information or documents filed in the proceeding necessary to describe the action."

5. Agent Services' evidence shows that Respondent failed to report the Maryland, Illinois and Louisiana administrative actions to the Commissioner within thirty days of the actions' respective final dispositions, as mandated by N.C. Gen. Stat. § 58-33-32(k).

6. By failing to timely report the Maryland, Illinois and Louisiana administrative actions within thirty days of their final dispositions, Respondent repeatedly violated a North Carolina insurance law within the meaning of N.C. Gen. Stat. § 58-33-46(a)(2).

7. Agent Services' evidence also shows that Respondent failed to respond to three written requests from Agent Services for documents and other information related to its licensure investigation, despite Respondent's obligations to provide information to Agent Services "on demand" under N.C. Gen. Stat. §§ 58-2-185 and 58-2-195.

8. Based on the evidence received and the applicable law, the undersigned Hearing Officer concludes that Respondent's License should be revoked under N.C. Gen. Stat. § 58-33-46(a)(2).

**ORDER**

BASED UPON the foregoing Findings of Fact and Conclusions of Law, it is ORDERED that Respondent's non-resident North Carolina Insurance Producer's license is hereby **REVOKED**.

This 28<sup>th</sup> day of January, 2022.



A. John Hoomani, Hearing Officer  
N.C. Department of Insurance

## APPEAL RIGHTS

This is a Final Agency Decision issued under the authority of N.C. Gen. Stat. § 150B, Article 3A.

Under the provisions of N.C. Gen. Stat. 150B-45, any party wishing to appeal a final decision of the North Carolina Department of Insurance must file a Petition for Judicial Review in the Superior Court of the County where the person aggrieved by the administrative decision resides, or in the case of a person residing outside the State, the county where the contested case which resulted in the final decision was filed. The appealing party must file the petition within 30 days after being served with a written copy of the Order and Final Agency Decision. In conformity with 11 NCAC 01 .0413 and N.C. Gen. Stat. § 1A-1, Rule 5, this Order and Final Agency Decision was served on the parties on the date it was placed in the mail as indicated by the date on the Certificate of Service attached to this Order and Final Agency Decision. N.C. Gen. Stat. § 150B-46 describes the contents of the Petition and requires service of the Petition on all parties. The mailing address to be used for service on the Department of Insurance is: A. John Hoomani, General Counsel, 1201 Mail Service Center, Raleigh, NC 27699-1201.

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that I have this day served the foregoing **ORDER AND FINAL AGENCY DECISION** by mailing copies of the same via certified U.S. Mail, return receipt requested and via first class U.S. Mail to the Respondent at the address provided to the Commissioner pursuant to N.C. Gen. Stat. § 58-2-69(b); and via State Courier to Attorney for Petitioner, addressed as follows:

Ivan Alvarez  
1181 25<sup>th</sup> St., #206  
San Diego, CA 92154  
*(Respondent)*

**Certified Mail Tracking Number: 70200640000031855995**

Nathan D. Childs  
Assistant Attorney General  
N.C. Department of Justice  
9001 Mail Service Center  
Raleigh, NC 27699-9001  
*(Attorney for Petitioner)*

This 25<sup>th</sup> day of January, 2022.



Mary Faulkner  
Paralegal  
N.C. Department of Insurance  
General Counsel's Office  
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