

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
JOSEPH LATA

(NPN # 8841792)

Respondent.

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) CONSENT ORDER
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) Docket Number: 1956
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WHEREAS, the North Carolina Department of Insurance [hereinafter, “the Department”] is charged with the authority and responsibility for the enforcement of the insurance laws of the State of North Carolina and for regulating and licensing insurance agents; and

WHEREAS, Respondent Joseph Lata (“Respondent”) is a resident of Pompano Beach, Florida and holds nonresident producer licenses; and

WHEREAS, this administrative proceeding was instituted against the Respondents by service of a Notice of Hearing on July 16, 2019, setting a hearing in this matter for August 21, 2019; and

WHEREAS, this administrative proceeding was continued by the undersigned hearing officer on August 20, 2019 to allow the Petitioner time to submit a Motion to Amend the Petition for Administrative Hearing and a proposed Amended Petition for Administrative Hearing; and

WHEREAS, on August 26, 2019 Petitioner’s Motion to Amend the Petition for Administrative Hearing was granted; and

WHEREAS, the Department and the Respondent have reached a mutually-agreed resolution of the claims raised by the Department against Respondent as set forth in the Amended Petition dated August 28, 2019, which was served on Respondent; and

WHEREAS THE DEPARTMENT AND THE RESPONDENT STIPULATE AND AGREE TO THE FOLLOWING FINDINGS OF FACT AND CONCLUSIONS OF LAW:

FINDINGS OF FACT

1. The July 16, 2019 Notice of Hearing and attached Petition were duly served upon the Respondent.
2. Respondent holds nonresident producer licenses in the areas of Life and Accident & Health or Sickness licenses first issued by the Department on or about February 12, 2007.
3. On or about February 9, 2018 the Indiana Department of Insurance entered into a "Preliminary Administrative Order and Notice of License Denial" based on Respondent having a license suspended in Louisiana and his failure to report this suspension on his December 27, 2017 license application, and for Respondent's failure to report an Order of Reprimand he received in Arkansas on his December 27, 2017 license application.
4. On or about April 9, 2018 the South Dakota Department of Labor and Regulation denied Respondent's December 27, 2017 license application based on providing inaccurate answer on his license application concerning prior administrative applications, when he in fact had received prior administrative actions in Louisiana and Arkansas.
5. Respondent did not timely report the Indiana or South Dakota administrative actions to the Department within thirty (30) days, and in fact had not reported these administrative actions to the Department as of the date the Notice of Hearing in this matter was issued.
6. Respondent failed to keep his email address updated with the Department, and additionally Respondent's business contact information has been out of date since approximately February 2019 through July 2019.

CONCLUSIONS OF LAW

1. Notice in this matter was timely and properly effected.
2. This matter is properly before the Commissioner of Insurance, and he has jurisdiction over the parties and the subject matter pursuant to Article 28 of Chapter 58 of the General Statutes of North Carolina.
3. Respondent violated N.C. Gen. Stat. § 58-33-32(k) by failing to timely report the Indiana and South Dakota administrative actions to the Department within thirty (30) days. Respondent's violations of N.C. Gen. Stat. § 58-33-32(k) are violations for which Respondent's licenses could be

subject to disciplinary action up to and including revocation, pursuant to N.C. Gen. Stat. § 58-33-46(a)(2).

4. Respondent violated N.C. Gen. Stat. § 58-2-69(b) by failing to update his email address with the Department within ten (10) business days after Respondent obtained a new email address. Respondent's violation of N.C. Gen. Stat. § 58-2-69(b) subjects him to an administrative fee of fifty dollars (\$50.00)

IT IS THEREFORE, BY CONSENT, ORDERED as follows:

1. Respondent has paid an administrative penalty of five-hundred dollars (\$500.00) for his violations of N.C. Gen. Stat. § 58-2-69(b).
2. Respondent has paid an administrative fee of fifty dollars (\$50.00) for his failure to keep his contact address updated as required by N.C. Gen. Stat. § 58-2-69(b).
3. Respondent 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. Respondent understands he may consult with an attorney prior to signing this Consent Order.
4. The parties to this Agreement agree that this Consent Order is an Order of the Commissioner. Respondent 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 Consent Order, when finalized, will be a public record and will not be held confidential by the Department. Following the execution of this Consent Order, any and all licenses issued by the Department to Respondent shall reflect that Regulatory Action has been taken against him. The Department is free to disclose the contents of this Consent Order with third parties upon request or pursuant to any law or policy providing for such disclosure. The Department routinely provides copies of Consent Orders to all companies that have appointed the licensee.
6. The parties have read and understand this Consent Order 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 Consent

Order, which is an 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.

- 8. This Final Consent Order shall become effective when signed by the parties.

IN WITNESS WHEREOF, the parties have duly executed this Consent Order as of the dates indicated below.

This the 19th day of September [Redacted]

[Redacted]
Robert D. Croom
Hearing Officer
North Carolina Department of Insurance

CONSENTED TO BY:

[Redacted]
By: Joseph Lata
NPN 8841792

DATE
9/03/19

NORTH CAROLINA DEPARTMENT OF INSURANCE

By: [Redacted]
Angela Hatchell
Deputy Commissioner

DATE
9/19/19