

NORTH CAROLINA DEPARTMENT OF INSURANCE
RALEIGH, NORTH CAROLINA

STATE OF NORTH CAROLINA)	BEFORE THE
COUNTY OF WAKE)	COMMISSIONER OF INSURANCE
)	
)	
IN THE MATTER OF:)	ORDER AND
)	FINAL AGENCY DECISION
THE LICENSURE OF)	
MONICA MANRIQUEZ)	Docket Number: 2062
(NPN #8927731))	
)	
Respondent.)	
)	

This matter was heard on Wednesday, October 27, 2021, by the undersigned Hearing Officer, as designated by the Commissioner of Insurance pursuant to N.C. Gen. Stat. § 58-2-55. The administrative hearing was held in the Albemarle Building, located at 325 North Salisbury Street, Raleigh, Wake County, North Carolina. Assistant Attorney General Rebecca E. Lem represented the North Carolina Department of Insurance, Agent Services Division (hereinafter “Petitioner” or “ASD”). Respondent Monica Manriquez (hereinafter, “Respondent”) did not appear.

Jeff Miller testified for the Petitioner. Petitioner introduced Exhibits 1-10 into evidence.

Due to the Respondent’s failure to appear at the hearing, pursuant to 11 NCAC 01.0423(a)(1), the allegations of the Notice of Hearing and attached Petition for Administrative Hearing may be taken as true or deemed to be proved without further evidence.

Based on the allegations set forth in the Notice of Hearing in this matter, as well as documentary and testimonial evidence introduced at the hearing, the undersigned Hearing Officer hereby makes the following Findings of Fact and Conclusions of Law:

FINDINGS OF FACT

1. The Notice of Administrative Hearing was properly served on Petitioner pursuant to Rule 4 of the North Carolina Rules of Civil Procedure and N.C. Gen. Stat. § 58-2-69(d).

2. Respondent is a resident of Chicago, Illinois.

3. The Department has the authority and responsibility for the enforcement of insurance laws of this State and for regulating and licensing insurance agents. Respondent holds a Non-Resident Producer License with lines of authority in Property and Casualty issued by the Department, National Producer Number 8927731. Respondent's license was first issued by the Department on or about June 28, 2019.

4. On or about June 28, 2019, Respondent electronically submitted a license application to the Department. As part of the application, she answered screening questions. Screening question 1a asked, "Have you ever been convicted of a misdemeanor, or had a judgment withheld or deferred, or are you currently charged with a felony?" Respondent answered, "No" to this screening question.

5. Jeff Miller, a Complaint Analyst with the Agent Services Division (ASD) of the North Carolina Department of Insurance ("Department"), testified that the matter involving Respondent came to ASD's attention through a "RIRS report" which is an automatic notification system through the NAIC ("National Association of Insurance Commissioners"). The RIRS report showed that on or about December 15, 2020, Respondent had her Virginia insurance license revoked license in the state of Virginia for failure to make a required disclosure on her license application and criminal record or history.

6. Mr. Miller testified that, when this matter was assigned to him, Respondent still was within her window to timely report the Virginia administrative action within thirty (30) days as required by N.C. Gen. Stat. § 58-33-32(k). On December 21, 2020, Mr. Miller sent Respondent an email informing her that she could still timely report the Virginia administrative action if she did so by January 15, 2021. In this email, Mr. Miller requested that Respondent send him a copy of the Virginia order and other documentation related to the Virginia administrative action by January 15, 2021. Respondent did not respond to Mr. Miller's request and did not report the Virginia administrative action to the Department.

7. Mr. Miller testified that he retrieved a copy of the Virginia administrative action, which is an "Order Revoking License", through the ordinary course of business. This document, which was entered into evidence, shows that on or about December 15, 2020, Respondent had her Virginia insurance license revoked license in the state of Virginia for failure to disclose a prior misdemeanor conviction on her license application and failure to respond to the regulating entity.

8. Mr. Miller sent Respondent additional requests for information and documents on two occasions, first by email on January 15, 2021, and then by first

class U.S. Postal Service Mail to her address of record with the Department, as well as an additional address obtained through other sources, on June 30, 2021. Respondent never provided the requested information and documents, and she never contacted ASD in response to these requests.

9. Mr. Miller explained that, pursuant to N.C. Gen. Stat. § 58-2-69(b), licensees are required to keep their residential address and email address up to date with the Department. Mr. Miller testified that Respondent had not changed her address over the course of his involvement with this matter, and documentation introduced into evidence supports this assertion. Mr. Miller testified that, during the course of his involvement with this matter, he attempted to contact Respondent through email, telephone calls, and first class U.S. Postal Service mail. Respondent never responded to any of these attempts.

10. Mr. Miller attempted to hold three (3) informal conferences with Respondent by phone on March 17, 2021, April 30, 2021, and June 23, 2021, to discuss her failure to report the Virginia administrative action against her license. In addition, the informal conference notice for the June 23, 2021, also put Respondent on notice that it appeared that she had failed to disclose her misdemeanor convictions on her license application. On each occasion, Respondent was provided with at least two (2) weeks of written notice via email prior to the informal conference date. Respondent failed to participate in any of these three informal conferences, and she never contacted ASD at any time prior to or after the informal conference attempts.

11. The “NIPR Attachment Warehouse” printout, which was entered into evidence, shows that Respondent uploaded documents related to her previous criminal convictions on or about December 31, 2019. This was approximately six (6) months after Respondent submitted her license application to the Department in which she answered “No” to the screening question asking if she had prior misdemeanor convictions. The documentation that Respondent uploaded on December 31, 2019, appears to be related to misdemeanor convictions she had in 2009 and 2015 for domestic situations.

12. Petitioner requested that Respondent’s licenses be revoked pursuant to N.C. Gen. Stat. §§ 58-33-32(k), 58-33-46(a)(1) and 58-33-46(a)(2), noting that Respondent has failed to provide requested responses and documentation to ASD on numerous occasions, and also failed to appear at three (3) informal conferences that were to be held by phone.

CONCLUSIONS OF LAW

1. This matter is properly before the Commissioner, and the Commissioner has jurisdiction over the parties and the subject matter pursuant to Chapter 58 of the North Carolina General Statutes.

2. The Notice of Administrative Hearing was properly served on Petitioner pursuant to Rule 4 of the North Carolina Rules of Civil Procedure.

3. Pursuant to 11 NCAC 01.0423(a)(1), as sanction for Petitioner's failure to appear at the hearing, the allegations of the Notice of Hearing and attached Petition may be taken as true or deemed to be proved without further evidence.

4. The evidence presented at the hearing supports the allegations of the Notice of Hearing and Petition.

5. Respondent's failure to report the administrative action against her Virginia insurance license to the Department within thirty (30) days of the effective date of that action is a violation of N.C. Gen. Stat. § 58-33-32(k).

6. N.C. Gen. Stat. § 58-33-46(a)(2) allows the Commissioner to suspend, revoke, or refuse to renew any license issued under this Article for violating any insurance law of this or any other state. Respondent's license is subject to suspension or revocation under N.C. Gen. Stat. § 58-33-46(a)(2) for her failure to timely report the Virginia administrative action to the Department in violation of N.C. Gen. Stat. § 58-33-32(k).


7. Respondent's answer of "No" in response to the June 28, 2019 license application screening question asking if she had any prior misdemeanor convictions is a materially incorrect, misleading, incomplete or materially untrue answer. Pursuant to N.C. Gen. Stat. § 58-33-46(a)(1), Respondent's license may be revoked for providing materially incorrect, misleading, incomplete or materially untrue information on her license application.

8. Respondent did not provide a response or documentation as requested by ASD on several occasions. Respondent did not appear for three (3) informal conference attempts. Respondent failed to appear for this administrative hearing. Respondent has not demonstrated an interest in retaining her North Carolina license.

Based on the foregoing Finding of Facts and Conclusions of Law, the Hearing Officer enters the following:

ORDER

It is ordered that Respondent's licenses issued by the North Carolina Department of Insurance are hereby REVOKED effective as of the date of the signing of this order.

This the 8 day of November, 2021 

Tyler Radtke
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. § 1 A-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, including explicitly stating what exceptions are taken to the decision or procedure and what relief the petitioner seeks, and requires service of the Petition by personal service or by certified mail upon all who were parties of record to the administrative proceedings. 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 a copy of the same via certified U.S. Mail, return receipt requested; via first class U.S. mail to the licensee, 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:

MONICA MANRIQUEZ
1451 N. Hamlin Ave. #B
Chicago, IL 60651-2143
(Respondent)

Certified Mail Tracking #: 7020 0640 0000 3185 6442

Rebecca E. Lem
Assistant Attorney General
N.C. Department of Justice
Insurance Section
9001 Mail Service Center
Raleigh, NC 27699-9001
(Attorney for Petitioner)

This the 7th day of November, 2021.


Mary Faulkner
Paralegal
N.C. Department of Insurance
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