

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
DANILO VAZQUEZ
(NPN # 19865195)

Respondent.

ORDER AND
FINAL AGENCY DECISION

Docket Number: 2107

THIS MATTER came on for hearing on Tuesday, February 28, 2023, in Hearing Room #131 the Albemarle Building, 325 North Salisbury Street, Raleigh, North Carolina before the undersigned Hearing Officer, as designated by the North Carolina Commissioner of Insurance (“Commissioner”) under N.C. Gen. Stat. § 58-2-55.

Petitioner, the Agent Services Division of the North Carolina Department of Insurance (“Petitioner” or “Agent Services”), was represented by Assistant Attorney General Anne Goco Kirby. Respondent Danilo Vasquez (“Respondent”) did not appear and was not represented by counsel at the hearing.

Petitioner’s Exhibits 1 through 11 were admitted into evidence.

Tommy Walls, Senior Complaint Analyst for the Department’s Agent Services Division, appeared and testified for the Department.

BASED UPON the careful consideration of the evidence and arguments 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 and Conclusions of Law:

FINDINGS OF FACT

1. Agent Services is a division of the North Carolina Department of Insurance (“NCDOI”), which is a state agency responsible, in accordance with Chapter 58 of the North Carolina General Statutes, for enforcement of insurance laws and regulating and licensing insurance producers.

2. Respondent has held an active non-resident producer's license with authority for Life, Accident & Health or Sickness and Med Supp/Long Term Care lines of insurance since 2021. Respondent's National Producer License Number (NPN) is 19865195. *See* Pet'r's Ex. 3.

3. N.C. Gen. Stat § 58-2-69(b) requires, in pertinent part, that all licensees inform the Commissioner of the applicant's residential address and e-mail address and give written notification to the Commissioner of any change of the licensee's residential or e-mail address within ten business days after the licensee after moving to the new residence or obtaining a different e-mail address.

4. The Notice of Administrative Hearing and Petition for Administrative Hearing were properly served on Petitioner via first class mail to Respondent's residential address of record with the Department. *See* Pet'r's Ex. 2.

5. In or around March 2022, Agent Services received an alert through a Personalized Information Capture System ("PICS") that Respondent had received an administrative action from the state of Florida effective August 20, 2021. *See* Pet'r's Ex. 7.

6. Lisa Webb was the consumer complaint analyst Agent Services originally assigned to investigate the matter.

7. Ms. Webb contacted Respondent via email in an attempt to gather more information about the Florida administrative action and to schedule an informal conference on multiple occasions, including via emails and letters dated March 31, 2022, April 13, 2022, June 16, 2022, August 4, 2022, and August 16, 2022. *See* Pet'r's Exs. 7-10.

8. Agent Services' investigation revealed that, on August 13, 2021, Respondent entered into a Settlement Stipulation for Consent Order with the Florida Department of Financial Services ("Florida Stipulation"). *See* Pet'r's Ex. 6.

9. Pursuant to the Florida Stipulation, because of a material statement on his licensure application, Respondent agreed to pay an administrative penalty of one thousand five hundred dollars (\$1,500.00) and consented to having his Florida license placed on probation until February 14, 2022. *See* Pet'r's Ex. 6. The Florida Department of Financial Services entered into a Consent Order effective August 20, 2021, which approved and incorporated by reference the Florida Stipulation and approved Respondent's application for licensure subject to the terms of the Florida Stipulation. *See id.*

10. Ms. Webb attempted two informal conferences with Respondent, but Respondent did not respond to her calls at either of the two scheduled informal conferences, one on July 14, 2022, and another on September 28, 2022. *See* Pet'r's Exs. 10–12.

11. Tom Walls was assigned as the consumer complaint analyst for the instant matter on November 17, 2022, after Ms. Webb's departure from Agent Services. Mr. Walls contacted Respondent via email that same day, requesting information regarding the Florida administrative action within ten days. *See* Pet'r's Ex. 11.

12. Additionally, Agent Services discovered that, effective September 3, 2022, the Louisiana Department of Insurance entered a Notice of Revocation to Respondent, revoking his license for having failed to disclose the administrative action taken by Florida on his license application, in violation of La. R.S. 22:1554(A)(2), which authorizes the Commissioner to revoke a producer's license for "[p]roviding incorrect, misleading, incomplete, or materially false information, or omission of material information, in the license or renewal application." *See* Pet'r's Ex. 5.

13. Respondent failed to report both the Florida and Louisiana administrative actions to this Department.

CONCLUSIONS OF LAW

1. Respondent was properly served with the Notice of Hearing and the Department has personal and subject matter jurisdiction in this matter.

2. N.C. Gen. Stat. § 58-33-32(k) requires a producer to report to the Commissioner any administrative action taken against the producer in another state within 30 days after the final disposition of the matter. The report "shall include a copy of the order or consent order and other information or documents filed in the proceeding necessary to describe the actions."

3. Respondent violated N.C. Gen. Stat. § 58-33-32(k) by failing to report the administrative actions taken against him by Florida Department of Financial Services and the Louisiana Department of Insurance Services within 30 days after final disposition of such administrative actions.

4. N.C. Gen. Stat. § 58-33-46(a)(2) states that the Commissioner may place on probation, suspend, or revoke the license of a licensee who has violated any insurance law of this or any other state, violated any administrative rule, subpoena, or order of the Commissioner or of another state's insurance regulator, or violated

any rule of FINRA.

5. Respondent's Non-Resident Producer license should be suspended or revoked pursuant to N.C. Gen. Stat. § 58-33-46(a)(2) based upon his violation of N.C. Gen. Stat. § 58-33-32(k) by his failure to report the administrative actions taken by the Florida Department of Financial Services and the Louisiana Department of Insurance Services within 30 days after final disposition of such administrative actions.

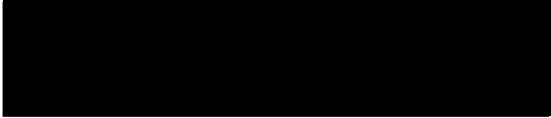
6. N.C. Gen. Stat. § 58-33-46(a)(9) states that the Commissioner may place on probation, suspend, or revoke the license of a licensee for having an insurance producer license, or its equivalent, denied, suspended, or revoked in any other jurisdiction for reasons substantially similar to those listed in this subsection.

7. Respondent's Non-Resident Producer license should be suspended or revoked pursuant to N.C. Gen. Stat. § 58-33-46(a)(9) for having an insurance producer license revoked by the Louisiana Department of Insurance for a reason substantially similar to that listed in N.C. Gen. Stat. § 58-33-46(a)(1).

ORDER

Based on the foregoing Findings of Facts and Conclusions of Law, it is ordered that Respondent's non-resident producer's license issued by the North Carolina Department of Insurance is hereby REVOKED effective as of the date of the signing of this order.

This the ^{22nd} day of March, 2023


Erin E. Gibbs
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

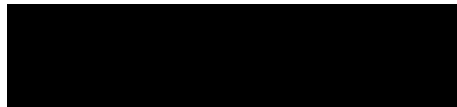
I HEREBY CERTIFY that I have this day served the foregoing **ORDER AND FINAL AGENCY DECISION** by mailing a copy of the same via certified U.S. mail, return receipt requested; via first class U.S. mail to the licensee at the address provided to the Commissioner pursuant to N.C. Gen. Stat. § 58-2-69(b);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

Danilo Vazquez
1271 Markham Ave.
Spring Hill, FL 34606
(Respondent)

Certified Mail Tracking Number: 70200640000031856176

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

This 2nd day of March, 2023.



Mary Faulkner
Paralegal III
N.C. Department of Insurance
General Counsel's Office
1201 Mail Service Center
Raleigh, NC 27699-1201