

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
DAMIAN ARGOTY
(NPN 20580380)

Respondent.

ORDER AND
FINAL AGENCY DECISION

Docket Number: 2343

THIS MATTER was heard on January 14, 2026 by the undersigned Hearing Officer, as designated by the North Carolina Commissioner of Insurance (“Commissioner”) pursuant to N.C. Gen. Stat. § 58-2-55 and other applicable statutes and regulations. The administrative hearing was held in the North Carolina Department of Insurance’s Hearing Room, Room # 211, located at 3200 Beechleaf Court, Raleigh, Wake County, North Carolina.

Petitioner, Agent Services Division of the North Carolina Department of Insurance (“Petitioner” or “Agent Services”), was present and represented by Assistant Attorney General, Rebecca Lem. Respondent, Damian Argoty (“Respondent”) did not appear and was not represented by counsel at the hearing.

Jeff Miller, Complaint Analyst for Agent Services, appeared and testified on behalf of the Petitioner.

On December 10, 2025, Petitioner’s counsel filed a Motion for Leave to Amend Petition for Administrative Hearing to correct errors in paragraphs 2, 5-9, and 14 of the Petition, whereby all three of Respondent’s addresses of record were now identical; whereby some dates were inaccurate by one day; and whereby the incorrect state of Florida was referenced in regard to the Kansas administrative action. On December 12, 2025, the undersigned entered an order granting the motion. See Pet'r's Exs. 1B and 1C.

Petitioner’s Exhibits 1-10, including all subparts, were admitted into evidence as full exhibits with redactions for personally identifiable information.

The Petition for Administrative Hearing alleged that Respondent violated N.C. Gen. Stat. §§ 58-33-32(k) and 58-33-46(a)(2) for failure to report another state’s

administrative action.

BASED UPON careful consideration of the documentary and testimonial evidence presented at the hearing, and upon the entire record in the proceeding, the undersigned Hearing Officer hereby makes the following Findings of Fact and Conclusions of Law:

FINDINGS OF FACT

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

2. Pursuant to 11 NCAC 06A .0101(a)(2), Agent Services is the division of the North Carolina Department of Insurance responsible for the licensing, education, and regulation of Agents. Pursuant to N.C. Gen. Stat. § 58-33-10(1), an “agent” is defined as a person licensed to solicit applications for, or to negotiate a policy of, insurance. Pursuant to N.C. Gen. Stat. § 58-33-10(7), an “insurance producer” or “producer” means a person required to be licensed under Article 33 of Chapter 58 of the North Carolina General Statutes to sell, solicit, or negotiate insurance, and “insurance producer” or “producer” includes an agent and a broker. As a licensed insurance producer, Respondent is considered an “agent” as defined by statute and is therefore subject to the licensing, education, and regulation of Agent Services. See N.C. Gen. Stat. §§ 58-33-10(1), 58-33-10(7) and 11 NCAC 06A .0101(a)(2).

3. At all relevant times herein, Respondent held a nonresident North Carolina Insurance Producer License, National Producer Number 20580380, with a line of authority in Accident and Health or Sickness (“License”). See Pet'r's Exs. 2 and 3. Respondent's License was first active in North Carolina on or about May 3, 2024. *Id.* Respondent is a resident of Florida (home state). *Id.*

4. The original Notice of Administrative Hearing and Petition for Administrative Hearing, along with Petitioner's Motion for Leave to Amend Petition for Administrative Hearing, and Petitioner's Amended Petition for Administrative hearing were properly served on Respondent at Respondent's residential address of record via Federal Express-Priority Overnight pursuant to N.C. Gen. Stat. §§ 58-2-69(b), (d) and (e) and Rule 4 of the North Carolina Rules of Civil Procedure. See Pet'r's Exs. 1-3. The Federal Express-Priority Overnight mail was delivered to Respondent on December 11, 2025. See Pet'r's Ex. 1F.

5. Administrative actions are reflected on the Regulatory Information Retrieval System (“RIRS”) report, which is an automatic notification system through the National Association of Insurance Commissioners (“NAIC”). This system

generates Personalized Information Capture System alerts (“PIC alert”) that notify the NCDOI if another state has taken administrative action against a North Carolina licensee. The NCDOI does not receive notification of the PIC alert until the other state enters the adverse administrative action into the NAIC.

6. Jeff Miller (“Mr. Miller”) testified at the hearing on behalf of the Petitioner. In his role as a complaint analyst with Agent Services, Mr. Miller’s job responsibilities include handling enforcement files for Agent Services. This includes handling an investigation of a licensee if another state takes administrative action against the licensee. Prior to this hearing, Mr. Miller reviewed the case file of another complaint analyst, Melody Hocutt, who also investigated a PIC alert related to Respondent.

7. Melody Hocutt investigated an administrative action entered against Respondent by the Kansas Department of Insurance (“Kansas”), which is not an issue in this matter. See Pet'r's Exs. 4 and 5B. On June 11, 2024, Kansas denied Respondent’s application for a nonresident insurance producer license. See Pet'r's Exs. 4 and 6B. On August 14, 2024, Melody Hocutt had a telephone conversation with Respondent and advised him that the easiest way to report any action is by uploading a copy of the action to the National Insurance Producer Registry (“NIPR”) Attachment Warehouse. See Pet'r's Ex. 5B. Thereafter, Respondent e-mailed a copy of the June 11, 2024 Kansas administrative action to Agent Services and uploaded a copy to the NIPR Attachment Warehouse. See Pet'r's Exs. 5B and 6B. On August 14, 2024, Respondent received a written warning from Agent Services for failure to timely report the Kansas administrative action as required by N.C. Gen. Stat. § 58-33-32(k). See Pet'r's Ex. 5A. The written warning specifically advises Respondent that in the future he must “report all regulatory actions that you have been named or involved in (which includes denials, consent orders, suspensions, notices of fine, FINRA actions, etc.) within thirty days of the effective date.” *Id.*

8. A licensee is obligated to report any administrative action taken against the licensee to the NCDOI within thirty (30) days of the action’s final disposition. See N.C. Gen. Stat. § 58-33-32(k). This report must include a copy of the order or consent order and any other information or documents filed in the proceeding necessary to describe the action. *Id.* A licensee may report an administrative action by uploading a copy of the administrative action to the NIPR Attachment Warehouse or reporting it directly to the NCDOI via mail, e-mail, or fax.

9. On November 5, 2024, Kansas entered another administrative action into NAIC against Respondent. See Pet'r's Ex. 4. Mr. Miller was assigned this PIC alert and investigated the matter. See Pet'r's Ex. 9. Agent Services obtained a certified copy of the Decision on License Application issued by Kansas (“Kansas administrative action”). See Pet'r's Ex. 10. On September 26, 2024, Kansas denied Respondent’s application for a nonresident insurance producer license based on his

failure to disclose on his license application (1) the June 11, 2024 license denial in that same state, and (2) a September 26, 2022 license denial from the Florida Department of Financial Services. *Id.* The denial became effective at the expiration of fifteen (15) days (plus three (3) days for mailing) of the September 26, 2024 letter if Respondent failed to request a hearing. *Id.* Based on its language, the Kansas administrative action would have been effective on or about October 15, 2024.

10. Mr. Miller checked the records and the NIPR Attachment Warehouse shows that Respondent did not report the Kansas administrative action within thirty (30) days from its effective date of October 15, 2024. *See* Pet'r's Ex. 6A. Furthermore, Respondent did not report the October 15, 2024 Kansas administrative action directly to the NCDOT. *See* Pet'r's Ex. 9.

11. On November 8, 2024, Mr. Miller sent an e-mail to Respondent's e-mail address of record informing Respondent that Agent Services was aware of the unreported Kansas administrative action and explained the statutory requirement to report within thirty (30) days after the final disposition. *See* Pet'r's Ex. 7A. Respondent was instructed to provide a written response and a copy of the administrative action within ten (10) days. *Id.* Respondent failed to provide any response to this correspondence.

12. On November 18, 2024, Mr. Miller sent a follow-up e-mail to Respondent noting that Respondent failed to provide a response and the documentation requested in the November 8, 2024 e-mail. *See* Pet'r's Ex. 7B. Respondent failed to provide any response to this correspondence.

13. On December 19, 2024, Mr. Miller sent correspondence via first-class mail to Respondent's residential address of record, and e-mailed a copy of the letter to Respondent's e-mail addresses of record requesting that Respondent attend an informal conference to discuss the Kansas administrative action. *See* Pet'r's Ex. 7C. The informal conference was scheduled for January 23, 2025 at 10:00 a.m. eastern time via the telephone. *Id.*

14. On December 20, 2024, Respondent e-mailed Mr. Miller with a telephone number to call him for the informal conference. *See* Pet'r's Ex. 7D.

15. At the appointed time for the January 23, 2025 informal telephonic conference, Respondent attended along with Mr. Miller and Senior Complaint Analyst Tommy Walls. *See* Pet'r's Exs. 8 and 9. During the informal conference, Respondent indicated that he was confused about the second Kansas administrative action and that his company had a licensing section to take care of matters. *See* Pet'r's Ex. 9. Respondent was advised by Agent Services that, as the licensee, Respondent is still responsible. *Id.*

16. Following the informal conference, efforts to resolve this matter, short

of proceeding to an administrative hearing, were made by Agent Services. Respondent, after initially indicating a desire to resolve this matter with Agent Services, stopped responding to correspondence from Agent Services, and failed to thereafter take steps to resolve the matter. *See* Pet'r's Exs. 7E, 7F, and 9.

17. On May 9, 2025, Mr. Miller sent correspondence via first-class mail to Respondent's residential address of record and e-mailed a copy of the letter to Respondent's e-mail addresses of record advising Respondent that he failed to respond to the NCDOI's repeated attempts to resolve this matter, although he attended the informal conference. *See* Pet'r's Ex. 7G. This correspondence also informed Respondent that formal proceedings would be instituted under Article 3A of Chapter 150B and an administrative hearing would be scheduled in Raleigh, North Carolina at a time and date to be determined. *Id.* Respondent failed to provide any response to this correspondence.

18. Between May 6, 2024 and March 3, 2025, Respondent uploaded several documents to the NIPR Attachment Warehouse including a Florida administrative action, a sealed criminal conviction that he received in Florida, and the June 11, 2024 Kansas administrative action. *See* Pet'r's Exs. 6A and 6B. None of these documents pertain to matters at issue in this hearing, but it shows that Respondent was aware of how to report an administrative action.

19. As of the date of the hearing in this matter, Respondent failed to report the October 15, 2024 Kansas administrative action via the NIPR Attachment Warehouse or directly to the NCDOI. Respondent has not shown a continuing interest in retaining his North Carolina nonresident insurance producer license.

CONCLUSIONS OF LAW

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

2. Respondent was properly served with the Notice of Administrative Hearing and Petition for Administrative Hearing in this matter pursuant to N.C. Gen. Stat. §§ 58-2-69(d) and (e) and Rule 4 of the North Carolina Rules of Civil Procedure.

3. N.C. Gen. Stat. § 58-33-32(k) requires an insurance 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 and to include a copy of the order or consent order and other information or documents filed in the proceeding necessary to describe the action. Respondent was required to report the Kansas administrative action (effective on October 15, 2024) within thirty (30) days of the

action's final disposition.

4. Respondent's failure to report and provide a copy of the October 15, 2024 Kansas administrative action directly to the NCDOI or via the NIPR Attachment Warehouse within thirty (30) days of the action's final disposition is a violation of N.C. Gen. Stat. § 58-33-32(k). Respondent never reported the October 15, 2024 Kansas administrative action despite previously having received a written warning from Agent Services for failure to timely report a prior Kansas license denial and having received multiple communications from Agent Services requesting the reporting of the October 15, 2024 Kansas administrative action.

5. N.C. Gen. Stat. § 58-33-46(a)(2) allows the Commissioner to 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. Respondent's nonresident insurance producer license is subject to disciplinary action due to Respondent's violation of N.C. Gen. Stat. § 58-33-32(k) for failing to timely report the October 15, 2024 Kansas administrative action within thirty (30) days of the action's final disposition.

6. N.C. Gen. Stat. § 58-2-70(c) provides that if, under subsection (b) of this section, the Commissioner finds a violation of this Chapter, the Commissioner may, in addition to or instead of suspending or revoking the license, order the payment of a monetary penalty as provided in subsection (d) of this section. Respondent's failure to timely report and provide a copy of the Kansas administrative action within thirty (30) days of the action's final disposition subjects Respondent's nonresident insurance producer license to suspension or revocation in accordance with N.C. Gen. Stat. § 58-2-70(b).

7. Respondent's nonresident insurance producer license should be revoked pursuant to N.C. Gen. Stat. § 58-33-46(a)(2) based upon his failure to timely report the October 15, 2024 Kansas administrative action. This omission persisted despite numerous requests from Agent Services. Respondent was aware of the requirement to report an administrative action due to his prior June 11, 2024 Kansas administrative action, and Respondent uploaded numerous documents to the NIPR Attachment Warehouse, including the June 11, 2024 Kansas administrative action which demonstrates he also knew how to upload documents to the NIPR Attachment Warehouse.

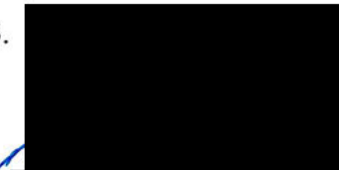
BASED UPON the foregoing Findings of Fact and Conclusions of Law, the Hearing Officer enters the following:

ORDER

It is ORDERED that Respondent's nonresident insurance producer license issued by the North Carolina Department of Insurance is hereby **REVOKED**.

This Order is effective three (3) days from the date of mailing this Order. The "date of mailing" is the date indicated on the Certificate of Service attached to this Order.

This the 23rd day of March, 2026.



Shannon Wharry
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: Amy Funderburk, General Counsel, 1201 Mail Service Center, Raleigh, NC 27699-1201

CERTIFICATE OF SERVICE

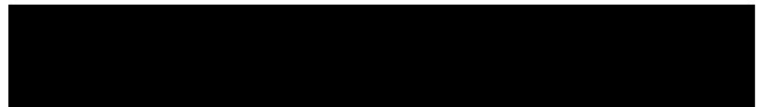
I HEREBY CERTIFY that I have this day served the foregoing **ORDER AND FINAL AGENCY DECISION** by mailing a copy of the same via certified U.S. mail, return receipt requested and via first class U.S. mail to the Respondent at the residential address provided to the Commissioner pursuant to N.C. Gen.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

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This the 23rd day of March, 2026.



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