

**NORTH CAROLINA DEPARTMENT OF INSURANCE  
RALEIGH, NORTH CAROLINA**

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**STATE OF NORTH CAROLINA  
COUNTY OF WAKE**

**BEFORE THE COMMISSIONER  
OF INSURANCE**

**IN THE MATTER OF THE LICENSURE  
OF JUAN BARRETO  
LICENSE NO. 0011548625**

**VOLUNTARY SETTLEMENT  
AGREEMENT**

**NOW COME** Juan Barreto (hereinafter “Mr. Barreto”) and the Agent Services Division of the N. C. Department of Insurance (hereinafter “Agent Services Division”), and hereby voluntarily and knowingly enter into the following Voluntary Settlement Agreement (hereinafter “this Agreement”).

**WHEREAS**, the Agent Services Division has the authority and responsibility for enforcement of the insurance laws of this State, and for regulating and licensing of insurance agents, brokers, limited representatives, adjusters, and motor vehicle damage appraisers; and

**WHEREAS**, the Agent Services Division conducted a review of JB Adjusters Corp., a public adjuster firm located in Charlotte, NC, and its owner, Juan Barreto, during the period March 22 through April 20, 2021 to verify that all employees are appropriately licensed, to review the agency’s financials, and to randomly review files and contracts. The target purpose was in response to a complaint received from a claims services company questioning business practices of J.B. Adjusters Corp. and the financial relationship between J.B. Adjusters Corp. and a restoration company, Just Brilliant Restoration, owned by Mr. Barreto’s father; and

**WHEREAS**, Mr. Barreto is currently licensed by the Agent Services Division as a resident Public Adjuster; and

**WHEREAS**, N.C. Gen. Stat. § 58-33A-5a. defines “public adjuster as any person who, for compensation or any other thing of value on behalf of the insured acts or aids, solely in relation to first-party claims arising under insurance contracts that insure the real or personal property of the insured, on behalf of an insured in negotiating for, or effecting the settlement of, a claim for loss or damage covered by an insurance contract; and

**WHEREAS**, N.C. Gen. Stat. § 58-33A-10(a) provides that a person shall not act or hold himself or herself out as a public adjuster in this State unless the person is licensed as a public adjuster; and

**WHEREAS**, N.C. Gen. Stat. § 58-33A-10(d)(3) provides that a public adjuster license is not required of a person employed only for the purpose of obtaining facts surrounding a loss or furnishing technical assistance to a licensed public adjuster, including photographers, estimators, private investigators, engineers, and handwriting experts; and

**WHEREAS**, information obtained by Agent Services Division investigators showed that unlicensed representatives of J.B. Adjusters Corp. met with clients and obtained public adjuster contracts, filled out client information sheets and used a stamp to sign Mr. Barreto’s name to complete public adjuster contracts. Such activities were not of the nature set forth and exempted from licensure in N.C.

Gen. Stat. § 58-33A-10(d)(3), and therefore constituted violations of N.C. Gen. Stat. § 58-33A-10(a). Mr. Barreto has since changed this practice and currently has two (2) additional licensed adjusters to perform such duties; and

**WHEREAS**, N.C. Gen. Stat. § 58-33A-65(f) provides that before the signing of the contract, the public adjuster shall provide the insured with a separate disclosure document regarding the claim process that contains information regarding the certain types of adjusters, certain rights of the insured, the relationship between the adjuster and the insurer, and the party responsible for the payment of fees; and

**WHEREAS**, the sample public adjusters contract provided by Mr. Barreto contains the public adjusters contract as pages 1 and 2 and the disclosure form as page 3. J.B. Adjusters Corp., by not providing its clients with a separate disclosure document as required by N.C. Gen. Stat. § 58-33A-65(f), was in violation thereof; and

**WHEREAS**, N.C. Gen. Stat. § 58-33-46(8) provides that the Commissioner may place on probation, suspend, revoke, or refuse to renew any license issued under Article 33 of Chapter 58 of the General Statutes of NC, for using fraudulent, coercive, or dishonest practices, or demonstrating incompetence, untrustworthiness, or financial irresponsibility in the conduct of business in this State or elsewhere; and

**WHEREAS**, Department investigators noted that a check written by J.B. Adjusters Corp. to a customer was returned due to insufficient funds, purportedly as a result of an accounting error on the part of J.B. Adjusters Corp. The return of the check due to insufficient funds in the account, and the use of business cards by unlicensed field staff identifying themselves as field adjusters reflect actions of those prohibited by N.C. Gen. Stat. § 58-33-46(8), and a basis for suspension or revocation of Mr. Barreto's license; and

**WHEREAS**, N.C. Gen. Stat. § 58-33A-45(a)(2) provides that the Commissioner may place on probation, suspend, revoke, or refuse to issue or renew any a public adjuster's license, or may levy a civil penalty in accordance with G.S.58-2-70 for violating any insurance laws of this or any other state, violating any administrative rule, subpoena, or order of the Commissioner or of another state's regulator; and

**WHEREAS**, N. C. Gen. Stat. § 58-2-70 provides that whenever the Commissioner has reason to believe that any person has violated any law that would subject the license or certification of that person to suspension or revocation, the Commissioner is authorized, in lieu of a hearing, to negotiate a mutually acceptable agreement as to the status of the person's license or certificate or to any civil penalty or restitution; and

**WHEREAS**, Mr. Barreto has agreed to settle, compromise, and resolve the matters referenced in this Agreement on behalf of himself, and the Agent Services Division has agreed not to pursue additional civil ramifications, including penalties, sanctions, remedies, or restitution based on these matters against Mr. Barreto; and

**NOW, THEREFORE**, in exchange for the consideration and promises and agreements set out herein, Mr. Barreto and the Department hereby agree to the following:

1. Immediately upon the signing of this Agreement, Mr. Barreto shall pay a civil penalty of **\$3,000.00** to the Department. The form of payment shall be by certified check, cashier's check or money order. The check or money order for the payment of this civil penalty shall be payable to the "North Carolina Department of Insurance." Mr. Barreto shall remit the civil penalty by certified mail, return receipt requested, to the Agent Services Division along with a copy of this signed Agreement. The civil penalty and the signed Agreement must be received by the Agent Services Division no later than **August 19, 2022**. The civil penalty shall be subject to disbursement in accordance with the provisions of Article IX, Section 7 of the North Carolina Constitution for the benefit of public schools.
2. This Agreement does not in any way affect the Agent Services Division's disciplinary power in any future examination of Mr. Barreto or in any other complaints involving Mr. Barreto.
3. Mr. Barreto 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. Mr. Barreto understands he may consult with an attorney prior to entering into this Agreement.
4. The parties to this Agreement agree that this Agreement shall have the full force and effect of an Order of the Commissioner. Mr. Barreto understands that N.C.G.S. § 58-33A-45(a)(2) provides that a public adjuster's license may be revoked for violating an Order of the Commissioner.
6. This Agreement, when finalized, will be a public record and will **not** be held confidential by the Agent Services Division. Following the execution of this Agreement, all licenses issued by the Agent Services Division to Mr. Barreto shall reflect that Regulatory Action has been taken against him. The Agent Services Division is free to disclose the contents of this Agreement with third parties upon request or pursuant to any law or policy providing for such disclosure. The Department routinely provides copies of voluntary settlement agreement to all companies that have appointed the licensee.
7. The parties have read and understand this Agreement and agree to abide by the terms and conditions stated herein.
8. Be aware that if a state or federal regulator other than the Agent Services Division has issued an occupational or professional license to you, that regulator may require you to report this administrative action to it. Agent Services Division cannot give you legal advice as to the specific reporting requirements of other state or federal regulators.

**N. C. Department of Insurance  
Agent Services Division**



By: **Juan Barreto**  
License No. 0011548625



By: **Angela Hatchell**  
Deputy Commissioner

Date: 8/17/2023

Date: 8/18/2022