

1. The North Carolina Department of Insurance 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 General Statutes.
2. Respondent is a citizen and resident of Glendale, Arizona and holds a nonresident insurance producer license with lines of authority in property and casualty insurance.

3. On March 17, 2021, Respondent entered into a Stipulation Surrendering License with the New York State Department of Financial Services surrendering any and all licenses issued to him by the New York State Department of Financial Services for his failure to disclose on his initial application for an agent's license a misdemeanor conviction on December 15, 2010 in West Mesa Justice Court, Maricopa County, Arizona.<sup>1</sup>
4. On March 25, 2022, Respondent applied to the Department to be licensed as an Insurance Producer with lines of authority in property and casualty insurance.
5. Nadine Scott testified that the New York administrative action was entered into the RIRS system on March 26, 2022.
6. Ms. Scott acknowledged in her testimony that the Department should have checked the RIRS system in the license application process and the Department may or may not have granted Respondent's license application had the Department checked the RIRS system and been aware of the New York administrative action.
7. Despite entry of the New York administrative action into the RIRS system prior to licensure, the Department granted Respondent a non-resident insurance producer license with lines of authority in property and casualty insurance on April 1, 2022.
8. On May 2, 2022, Ms. Scott testified she notified Respondent via email that the Department had received information regarding the New York regulatory action and reminding Respondent of his duty to report any administrative action taken against the produced in another state or by another governmental agency in this State within 30 days after the final disposition in accordance with N.C. Gen. Stat. § 58-33-32(k). In this email to Respondent, Ms. Scott requested Respondent provide a written response along with any documentation regarding the NY matter within 10 days from receipt of the letter.
9. On May 12, 2022, Ms. Scott testified she emailed the Respondent second letter requesting a written response within 10 days to the Department's May 2, 2022 letter, and advising Respondent that a failure to respond may result in further administrative action.
10. On May 26, 2022, Ms. Scott testified she sent Respondent an email scheduling an informal conference for Wednesday, July 27 at 2:00 regarding allegations of violation of N.C. Gen. Stat. §§ 58-33-46(a)(2), 58-33-32(k) regarding the New York regulatory action and §58-33-46(a)(1) regarding the Arizona misdemeanor conviction.
11. On July 5, 2022, Respondent responded to Ms. Scott regarding the May 26, 2022 email. Respondent questioning his need to participate in the informal conference as he believed his license in New York was not revoked but surrendered, which he believed was different.

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<sup>1</sup> Testimony was provided at the Hearing of this matter that Respondent failed to disclose this conviction on his license application to the Department in violation of N.C. Gen. Stat. § 58-33-46(1); however, there was no specific allegation of a violation of N.C. Gen. Stat. § 58-33-46(1) in the Notice of Hearing on this matter and, therefore, this was not considered by the Hearing Officer.



He also indicated his telephone number needed to be updated and he attached a copy of the signed surrender letter in New York.

12. On July 6, 2022, Ms. Scott responded to Respondent's email and indicated the informal conference would take place as scheduled on July 27, 2022 at 2:00 and requested Respondent confirm the telephone number provided on July 5, 2022 by Respondent was correct.
13. On July 27, 2022, Respondent did participate in the informal conference with the Department and the matter was not resolved and referred to the Attorney General's office for hearing.
14. Following referral to the Attorney General's office, the Department became aware of regulatory actions against Respondent's license in Louisiana, Kansas, Indiana and Delaware.
15. On July 26, 2022, the Louisiana Department of Insurance issued a Notice of Revocation to Respondent for failure to reveal the administrative action in New York and his failure to reveal his criminal history on the insurance license application, violating La R.S. 22:1554(A)(2); the revocation of his non-resident producer license by the State of New York in violation of La. R.S. 22:1554(A)(13) and his failure to provide required documentation in violation of La. R.S. 22:1554(A)(14); and finally, failure to report the action within 30 days in violation of La. R.S. 22:1563(A) and (C) (hereinafter referred to as "the Louisiana Action").
16. On January 11, 2023, the Kansas Insurance Department refused to renew Respondent's nonresident insurance producer license pursuant to K.S.A. 40-409(a)(1) and (2) for providing incorrect, misleading, incomplete or untrue information in his application by failing to disclose a criminal conviction as required on his application and failing to disclose a prior conviction and administrative actions taken by New York and Louisiana on his renewal application (hereinafter referred to as "the Kansas Action").
17. On January 19, 2023, the Indiana Department of Insurance denied Respondent's application for a nonresident producer license due to Respondent having a license revocation issued by the New York Department of Financial Services on March 17, 2021 and a license revocation issued by the Louisiana Department of Insurance on August 8, 2022 (hereinafter referred to as "the Indiana Action").
18. On February 14, 2023, the Delaware Department of Insurance issued an order revoking Respondent's Delaware Producer License and ordering a monetary fine for violation of 18 *Del. C.* § 1719(a) by failing to report adverse administrative actions in other jurisdictions or by another governmental agency within thirty days of final disposition (hereinafter referred to as "the Delaware Action").

19. Ms. Scott testified that it is the usual procedure of the Department, when it becomes aware of subsequent administrative actions against a licensee, to send the licensee a letter notifying the licensee of their duty to report such action to the Department within 30 days of final disposition and setting a date for an informal conference if sufficient response is not received. Ms. Scott further testified that this procedure was not followed with regard to these subsequent administrative actions against Respondent.
20. On May 25, 2023, a Petition for Administrative Hearing was submitted to the General Counsel's office of the North Carolina Department of Insurance. The Petition for Administrative Hearing included allegations against Respondent for violation of N.C. Gen. Stat. § 58-33-32(k) in failing to report the New York Action, the Louisiana Action, the Kansas Action, the Indiana Action, and the Delaware Action within 30 days of the final disposition of those matters.
21. The General Counsel for the Department issued a Notice of Administrative Hearing, with the Petition for Administrative Hearing attached as Exhibit A, on May 25, 2023 setting the hearing for this matter for June 15, 2023 at 10:00 a.m. in Room #131 of the Albemarle Building (the Jim Long Hearing Room), located at 325 North Salisbury Street, Raleigh, Wake County, North Carolina, and Respondent was served via U.S. Mail at the address on file for the Respondent.
22. On May 30, 2023, the Attorney General's office deposited a copy of the Notice of Administrative Hearing, with the Petition for Administrative Hearing attached as Exhibit A, with Federal Express addressed to the Respondent at the address on file with the Department for overnight delivery. The Notice of Administrative Hearing, with Petition for Administrative Hearing attached as Exhibit A, was delivered by Federal Express to Respondent on May 31, 2023.

### 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. Respondent was properly served with the Notice of Administrative Hearing and Petition for Administrative Hearing in this matter.<sup>2</sup>
3. The Commissioner of Insurance may deny, place on probation, suspend, revoke, or refuse to renew any license for violating any insurance law of this or any other state. N.C. Gen. Stat. § 58-33-46(a)(2).

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<sup>2</sup> It should be noted that though the Department technically complied with the notice requirement of N.C. Gen. Stat. § 58-2-70 and Article 3A of Chapter 150B, the Department *did not comply* with its own internal business processes with regard to subsequent allegations of administrative actions against Respondent. In the future it would behoove the Department to ensure compliance with its own internal business processes in order to avoid an arbitrary and capricious determination.



4. The Commissioner of Insurance may also deny, place on probation, suspend, revoke or refuse to renew any license for having an insurance producer license or its equivalent, denied, suspended, or revoked in any other jurisdiction. N.C. Gen. Stat. § 58-33-46(a)(9).
5. In addition to or instead of suspending or revoking a license, the Commissioner of Insurance may order the payment of a monetary penalty of not less than \$100 or more than \$1,000. In determining the amount, the degree and extent of harm caused by the violation, the amount of money obtained wrongfully by the violator, whether the violation was committed willfully, and the prior record of the violator shall be considered. N.C. Gen. Stat. § 58-2-70.
6. 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 final disposition of the matter.
7. Respondent violated N.C. Gen. Stat. § 58-33-32(k) by his failure to report the Louisiana Department of Insurance administrative action revoking Respondent's license effective August 8, 2022.
8. Respondent further violated N.C. Gen. Stat. § 58-33-32(k) by his failure to report the Kansas Insurance Department administrative action refusing to renew Respondent's non-resident insurance producer license effective January 26, 2023.
9. Respondent further violated N.C. Gen. Stat. § 58-33-32(k) by his failure to report the Indiana Department of Insurance action denying Respondent's application for licensure on January 19, 2023.
10. Respondent further violated N.C. Gen. Stat. § 58-33-32(k) by his failure to report the February 14, 2023 Delaware Department of Insurance action revoking his Delaware Producer License and issuing a monetary fine.
11. To the extent that the foregoing Findings of Fact contain conclusions of law, or that these Conclusions of Law are findings of fact, they should be so considered without regard to their given labels. *Charlotte v. Heath*, 226 N.C. 750, 755, 40 S.E.2d 600, 604 (1946); *Peters v. Pennington*, 210 N.C. App. 1, 15, 707 S.E.2d 724, 735 (2011).

Based upon the foregoing Conclusions of Law, the undersigned hereby orders the following,

ORDER

It is ORDERED that Rolando Campos pay a civil penalty in the amount of \$500.00 for violations of N.C. Gen. Stat. § 58-33-32(k). Payment of this civil penalty shall be by certified funds, to include certified bank check, cashier's check, and money order, made payable to the "North Carolina Department of Insurance" and submitted to the Agent Services Division of the North Carolina Department of Insurance within thirty (30) days of receipt of this Order and Final Agency Decision. This 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 the public schools. Failure to comply with the terms of this Order may provide grounds for administrative action, to include, but not limited to, revocation, non-renewal, or suspension.

This the 29<sup>th</sup> day of June, 2023.



Meghan N. Cook  
Hearing Officer  
North Carolina Department of Insurance

## APPEAL RIGHTS

This is an Order and 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 1.0413 and N.C.G.S. § 1A-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 and requires service of the Petition on all parties. 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 residential address provided to the Commissioner pursuant to N.C. Gen. Stat. § 58-2-69(b) and (d); and via State Courier, addressed as follows:

Rolando Campos  
5020 W. Thunderbird Rd.  
Apt 281  
Glendale, AZ 85306  
(Respondent)

**Certified Mail Tracking Number: 70200640000031858354**

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

This the 29<sup>th</sup> day of June, 2023.



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