

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
RIVALDO ETIENNE
(NPN 21162947)

Respondent.

ORDER AND
FINAL AGENCY DECISION

Docket Number: 2329

THIS MATTER came on for hearing and was heard on February 18, 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, Kristin K. Mullins. Respondent, Rivaldo Etienne ("Respondent") did not appear and was not represented by counsel at the hearing.

Matthew Reck, Complaint Analyst with Agent Services, appeared and testified on behalf of the Petitioner.

Petitioner's Exhibits 1 through 23 were admitted into evidence as full exhibits with redactions of 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 ("NCDI") 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. Agent Services is a division of the NCDOI.

2. On November 7, 2025, a copy of the Notice of Administrative Hearing (“Notice”) and Petition for Administrative Hearing (“Petition”) were deposited in the United States Postal Service via first-class mail and via certified mail, return receipt requested. Service was directed to Respondent’s residential address of record in accordance with N.C. Gen. Stat. §§ 58-2-69(b),(d) and (e), 150B-38(c), and Rule 4 of the North Carolina Rules of Civil Procedure. *See* Pet’r’s Exs. 1, 2, 6 and 7. The certified mail to Respondent’s residential address was not delivered, and the first-class mail was returned. *See* Pet’r’s Ex. 2.

3. On December 16, 2025, Petitioner filed a Motion to Continue the scheduled administrative hearing to resolve potential service issues. Petitioner served a copy of this motion, along with a copy of the Notice and Petition on Respondent at Respondent’s residential, mailing, and business addresses of record pursuant to Rule 5 of the North Carolina Rules of Civil Procedure, which also incorporates the service methods of Rule 4. *See* Pet’r’s Ex. 3.

4. On December 17, 2025, an Order Granting Petitioner’s Motion to Continue and Scheduling Order was issued. A copy of this Order was properly served on Respondent by depositing it with the United States Postal Service via regular first-class mail and certified mail, return receipt requested, at Respondent’s residential, mailing, and business addresses of record pursuant to Rule 5 of the North Carolina Rules of Civil Procedure, which also incorporates the service methods of Rule 4. *See* Pet’r’s Exs. 4-6. The certified mail to Respondent’s residential address was not delivered due to insufficient address, and the first-class mail was not returned. *See* Pet’r’s Ex. 5. The certified mail to Respondent’s mailing address and business address was successfully delivered on December 22, 2025 and signed for by Respondent. *See* Pet’r’s Ex. 5. The first-class mail was not returned. *Id.*

5. Respondent holds a nonresident North Carolina Insurance Producer License, National Producer Number 21162947, with lines of authority in Accident & Health or Sickness and Life (“License”). *See* Pet’r’s Exs. 6 and 7. Respondent’s License was first active in North Carolina on June 11, 2024. *Id.* Respondent is a resident of Florida. *Id.*

6. Matthew Reck (“Mr. Reck”) is a Complaint Analyst with Agent Services, and his 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. 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.

7. On September 6, 2024, the Kansas Insurance Department ("Kansas") entered an administrative action against Respondent into the NAIC. *See* Pet'r's Ex. 8. The PIC alert relating to this administrative action was initially assigned to a different complaint analyst. *See* Pet'r's Ex. 12. Following that analyst's separation from employment with the NCDOI, Mr. Reck assumed responsibility for the investigation. *Id.* Upon reassignment, Mr. Reck conducted a thorough review of the case file and documentation pertaining to this matter and testified to their accuracy.

8. On July 9, 2024, Kansas issued a Decision on License Application denying Respondent's application for a nonresident insurance producer license ("Kansas administrative action"). *See* Pet'r's Ex. 10. The denial was based on Kansas's evaluation of the aggravating factors, the underlying conduct, and the nature of a disclosed misdemeanor charge, which led to a determination that granting Respondent the license would not serve the public's insurable interests. *Id.* The denial became effective at the expiration of fifteen (15) days (plus three (3) days for mailing) of the July 9, 2024 letter if Respondent failed to request a hearing. *Id.* Based on its language, the Kansas administrative action would have been effective on July 27, 2024. Agent Services obtained a certified copy of the Kansas administrative action as part of their investigation.

9. A licensee is obligated to report any administrative action taken against the licensee to the NCDOI within 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 National Insurance Producer Registry ("NIPR") Attachment Warehouse or reporting it directly to the NCDOI via mail, e-mail, or fax.

10. The NIPR Attachment Warehouse shows that Respondent did not report the Kansas administrative action within thirty (30) days from its effective date of July 27, 2024. *See* Pet'r's Ex. 9. Although Respondent eventually uploaded the Kansas administrative action to the NIPR Attachment Warehouse, he did not do so until April 14, 2025, which was well beyond the statutory timeframe required to be compliant with N.C. Gen. Stat. § 58-33-32(k). *Id.*

11. On September 12, 2024, Agent Services sent correspondence via email to Respondent's email addresses 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. 13. Respondent was instructed to provide a copy of the Kansas administrative action, along with a written response within ten (10) days. *Id.*

12. On September 24, 2024, Respondent replied via email to Agent Services regarding the September 12, 2024 email. *See* Pet'r's Ex. 14. Attached to this email was a signed, handwritten letter of explanation from Respondent regarding the administrative action from Kansas. *Id.*

13. On September 24, 2024, Agent Services replied to Respondent's email acknowledging receipt of the letter of explanation but advised that the Kansas administrative action must still be reported. *See* Pet'r's Ex. 14. Moreover, this email provided Respondent with specific instructions on how to report the action. *Id.* Respondent failed to provide any response to this correspondence.

14. Upon taking over the investigation, Mr. Reck sent a follow-up email on November 21, 2024, which attached the original September 12, 2024 letter from Agent Services. *See* Pet'r's Ex. 15. This email reiterated the requirement that Respondent provide a copy of the denial letter from the Kansas Department of Insurance to the NCDOL. *Id.* Agent Services did not receive a bounce-back message or any other indication that the email sent to Respondent was not delivered. Respondent failed to provide any response to this correspondence.

15. On December 2, 2024, Mr. Reck sent another follow-up email to Respondent. *See* Pet'r's Ex. 16. This email noted Respondent's failure to reply to Agent Services' prior correspondence and failure to provide a copy of the Kansas administrative action. *Id.* Agent Services did not receive a bounce-back message or any other indication that the email sent to Respondent was not delivered. Respondent failed to provide any response to this correspondence. *See* Pet'r's Ex. 12.

16. On December 7, 2024, the New York State Department of Financial Services ("New York") entered an administrative action against Respondent into the NAIC. *See* Pet'r's Ex. 8. Mr. Reck assumed responsibility for the PIC alert relating to this administrative action. *See* Pet'r's Ex. 12.

17. On November 29, 2024, New York issued a Stipulation whereby Respondent admitted to providing materially untrue and incorrect information on his original application by failing to disclose the Kansas administration action ("New York administrative action"). *See* Pet'r's Ex. 11. Respondent agreed to the imposition of a \$750.00 monetary penalty in lieu of further disciplinary action. *Id.* Agent Services obtained a certified copy of the New York administrative action as part of their investigation.

18. The NIPR Attachment Warehouse shows that Respondent did not report the New York administrative action within thirty (30) days from its effective date of November 29, 2024. *See* Pet'r's Ex. 9. Although Respondent eventually uploaded the New York administrative action to the NIPR Attachment Warehouse, he did not do so until January 6, 2025, which was well beyond the statutory timeframe required to

be compliant with N.C. Gen. Stat. § 58-33-32(k). *Id.*

19. On January 2, 2025, Mr. Reck sent correspondence to Respondent's residential, mailing, and business addresses of record via first-class mail, with a copy of the letter sent to Respondent's email addresses of record. *See* Pet'r's Ex. 17. The correspondence requested that Respondent attend an informal conference to discuss the Kansas administrative action and the New York administrative action. *Id.* The informal conference was scheduled for Respondent on January 30, 2025 at 11:30 a.m. eastern time via the telephone. *Id.* Respondent failed to provide any response to this correspondence.

20. On the morning of January 30, 2025, Mr. Reck sent Respondent a courtesy email reminder of the informal conference scheduled later that day. *See* Pet'r's Ex. 18. Respondent failed to provide any response to this correspondence.

21. At the appointed time for the January 30, 2025 informal telephonic conference, Respondent did not attend. *See* Pet'r's Exs. 12. A voicemail message was left for Respondent at the telephone number on record (954-642-6180). *Id.* Later that same day, a representative for Respondent contacted Agent Services and requested that the informal conference be rescheduled. *Id.*

22. On January 30, 2025, Mr. Reck sent correspondence to Respondent's residential, mailing, and business addresses of record via first-class mail, with a copy of the letter sent to Respondent's email addresses of record. *See* Pet'r's Ex. 19. The correspondence requested that Respondent attend an informal conference to discuss the Kansas administrative action and the New York administrative action. *Id.* The informal conference was scheduled for Respondent on February 6, 2025 at 2:30 p.m. eastern time via the telephone. *Id.* Although not expressly stated, this represented the rescheduled informal conference requested by Respondent's representative. Respondent failed to provide any response to this correspondence.

23. On February 4, 2025, Mr. Reck sent Respondent a courtesy email reminder of the rescheduled informal conference that would occur on February 6, 2025. *See* Pet'r's Ex. 20.

24. On February 6, 2025, Respondent's representative sent Mr. Reck an email, twenty-four minutes prior to the rescheduled telephonic informal conference, requesting that the informal conference be rescheduled to February 14, 2025 because Respondent was still out of the office. *See* Pet'r's Ex. 21.

25. On February 26, 2025, Mr. Reck emailed Respondent advising that he had left a voicemail message for both Respondent and his representative. *See* Pet'r's Exs. 12 and 22. This email also noted that Respondent had missed two previously

scheduled informal conferences. *Id.* Respondent failed to provide any response to this correspondence.

26. On March 25, 2025, Mr. Reck sent correspondence to Respondent's residential, mailing, and business addresses of record via first-class mail, with a copy of the letter sent to Respondent's email addresses of record. *See* Pet'r's Ex. 23. The correspondence noted Respondent's failure to attend the informal conference or to reply to the NCDOI's repeated attempts to resolve this matter. *Id.* It further advised that formal proceedings would be instituted under Article 3A of Chapter 150B, with an administrative hearing to be scheduled in Raleigh, North Carolina. *Id.* Respondent failed to provide any response to this correspondence. *Id.*

27. Although Respondent eventually reported the July 27, 2024 Kansas administrative action and the November 29, 2024 New York administrative action, he failed to do so within the statutory timeframe required to be compliant with N.C. Gen. Stat. § 58-33-32(k). Furthermore, Respondent failed to communicate effectively with Agent Services and failed to attend two scheduled informal conferences. This pattern of non-responsiveness raises a concern regarding his ability to serve North Carolina consumers as a licensed insurance producer.

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 July 27, 2024) and the New York administrative action (effective November 29, 2024) within thirty (30) days of each action's final disposition.

4. Respondent's failure to report and provide a copy of the Kansas administrative action directly to the NCDOI or via the NIPR Attachment Warehouse within thirty (30) days after July 27, 2024 is a violation of N.C. Gen. Stat. § 58-33-

32(k). Respondent reported the Kansas administrative action on April 14, 2025, which was beyond the statutorily mandated thirty (30) days.

5. Respondent's failure to report and provide a copy of the New York administrative action directly to the NCDOI or via the NIPR Attachment Warehouse within thirty (30) days after November 29, 2024 is a violation of N.C. Gen. Stat. § 58-33-32(k). Respondent reported the New York administrative action on January 6, 2025, which was beyond the statutorily mandated thirty (30) days.

6. 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.

7. Respondent's nonresident insurance producer license is subject to disciplinary action due to Respondent's violations of N.C. Gen. Stat. § 58-33-32(k) for failing to timely report the July 27, 2024 Kansas administrative action and the November 29, 2024 New York administrative action within thirty (30) days of each action's final disposition.

8. 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 report and provide a copy of the Kansas administrative action and the New York administrative action within thirty (30) days of each 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).

9. In lieu of license revocation as requested by the Petitioner, the Hearing Officer finds that pursuant to N.C. Gen. Stat. § 58-2-70(c), a civil penalty of \$500.00 is appropriate for Respondent's late reporting of the Kansas administrative action and the New York administrative action in violation of N.C. Gen. Stat. § 58-33-32(k).

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

ORDER

It is **ORDERED** that Respondent, Rivaldo Etienne, pay a civil penalty in the amount of five hundred dollars (\$500.00) for violation 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 forty-five (45) days from the signing of this Order.

Failure to comply with the terms of this Order may provide grounds for revocation of Respondent's nonresident insurance producer license for violation of an Order of the Commissioner.

This 2nd day of July, 2026.

A black rectangular box redacting the signature of Shannon Wharry.

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 Respondent at the address provided to the Commissioner pursuant to N.C. Gen. Stat. § 58-2-69(b), (d) and (e); via courtesy email to Respondent; and via State Courier and courtesy email to Attorney for Petitioner, addressed as follows:

Rivaldo Etienne
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This the 7th day of July, 2026.



Raheema I. Moore
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