

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  
JONTAI HOLMES  
(NPN # 19600321)

Respondent.

ORDER AND  
FINAL AGENCY DECISION

Docket Number: 2269

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**THIS MATTER** was heard on May 8, 2025, 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, the Agent Services Division of the North Carolina Department of Insurance ("Petitioner" or "Agent Services"), was present and represented by Assistant Attorney General Whitney Shaffer. Respondent, Jontai Holmes ("Respondent") did not appear and was not represented by counsel at the hearing.

Petitioner moved, pursuant to 11 NCAC 01 .0423(a)(1), for the imposition of sanctions due to Respondent's failure to appear at the hearing. Petitioner's motion for sanctions was DENIED. The undersigned Hearing Officer allowed Petitioner to continue with its presentation of testimony and evidence in this matter.

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

Petitioner's Exhibits 1-9, and all subparts were admitted into evidence with redactions from Petitioner's Exhibits 3-5.

On April 10, 2025, after having found that service had not been perfected on Respondent, the undersigned Hearing Officer issued an order *sua sponte* to continue the hearing in this matter to May 8, 2025.

BASED UPON careful consideration of the documentary and testimonial evidence introduced at the hearing and upon the entire record in the proceeding, the 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 General Statutes.

2. The Notice of Administrative Hearing ("Notice"), Petition for Administrative Hearing ("Petition"), and Order for Continuance ("Continuance") were properly served on Respondent at Respondent's residential address of record and at additional addresses discovered through LexisNexis pursuant to N.C. Gen. Stat. §§ 58-2-69(b), (d), and (e) and Rule 4 of the North Carolina Rules of Civil Procedure. The Notice, Petition, and Continuance were delivered to Respondent on April 21, 2025 via Federal Express-Priority Overnight. *See* Pet'r's Ex. 2.

3. At all relevant times, Respondent held a non-resident North Carolina Insurance Producer License, National Producer License Number 19600321, with lines of authority in Life, Accident and Health or Sickness, and Medicare Supplement/Long Term Care ("License"). Respondent's License was first issued in North Carolina on June 10, 2021. Respondent is a resident of Florida. *See* Pet'r's Exs. 3 and 4.

4. Jeff Miller is a Complaint Analyst with Agent Services, and his job responsibilities includes 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 notifies the NCDOI if another state has taken administrative action against a North Carolina licensee.

5. Jeff Miller assumed responsibility for the investigation pertaining to Respondent after another Complaint Analyst, Lindsay Melgarejo, left her position with Agent Services. He reviewed the documents prepared by Ms. Melgarejo and testified to their accuracy.

6. In or around June 2024, Agent Services became aware of an adverse administrative action against Respondent, via a RIRS report, that the Ohio Department of Insurance entered into NAIC on June 29, 2024. *See* Pet'r's Ex. 5.



7. Effective May 30, 2024, the Ohio Department of Insurance (“Ohio”) revoked Respondent’s non-resident insurance producer license because Respondent provided incorrect, misleading, incomplete or untrue information on his September 19, 2022 license application and June 21, 2023 license renewal application. *See* Pet’s Exs. 5 and 9.

8. 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 the administrative action directly to the NCDOI via mail, e-mail, or fax.

9. Pursuant to N.C. Gen. Stat. § 58-33-32(k), a licensee is obligated to report any administrative action taken against the licensee to the NCDOI within thirty (30) days. The NIPR Attachment Warehouse screenshot shows that Respondent did not report the administrative action from Ohio within thirty (30) days from its effective date of May 30, 2024. *See* Pet’s Ex. 6. Furthermore, Respondent did not report the May 30, 2024 Ohio administrative action directly to the NCDOI.

10. On July 8, 2024, Agent Services sent correspondence to Respondent’s e-mail addresses of record informing Respondent that Agent Services was aware of the unreported Ohio administrative action and explained the statutory requirement to report within thirty (30) days after the final disposition. Respondent was instructed to provide Agent Services with a written response, along with documentation regarding the Ohio administrative action within ten (10) days. Respondent failed to provide any response to this correspondence. *See* Pet’s Exs. 7 and 8a.

11. On July 24, 2024, Agent Services sent a follow-up correspondence to Respondent’s e-mail addresses of record noting that Respondent had failed to provide the documents requested in the July 8, 2024 correspondence. Respondent was instructed to provide documentation of the May 30, 2024 Ohio administrative action within ten (10) days. Respondent did not provide the documentation as requested. *See* Pet’s Exs. 7 and 8b.

12. On August 15, 2024, Agent Services sent correspondence via first-class mail to Respondent’s residence 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 May 30, 2024 Ohio administrative action. The informal conference was scheduled for Respondent on September 30, 2024, at 11:30 a.m. eastern time via the telephone. *See* Pet’s Ex. 8c. Respondent failed to provide any response to this correspondence.

13. At the appointed time for the September 30, 2024 informal telephonic conference, Respondent did not answer the call from Agent Services and Respondent did not contact Agent Services. *See* Pet’s Ex. 7.

14. On November 25, 2024, Agent Services sent correspondence via first-class mail to Respondent's mailing 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 and he failed to appear at the informal telephonic conference. This correspondence informed Respondent that formal proceedings would be instituted under Article 3A of Chapter 150B, and an administrative hearing would be scheduled in Raleigh, N.C. at a time and date to be determined. *See* Pet'r's Ex. 8d.

15. As of the date of the hearing in this matter, Respondent had failed to report the May 30, 2024 Ohio administrative action directly to the NCDOI or via the NIPR Attachment Warehouse.

### **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 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.

4. Respondent was required to report the Ohio administrative action (effective May 30, 2024) within thirty (30) days of the action's effective date. As of the date of the hearing in this matter, Respondent had failed to report the May 30, 2024 Ohio administrative action directly to the NCDOI or via the NIPR Attachment Warehouse.

5. Respondent's failure to report and provide a copy of the administrative action from Ohio within thirty (30) days of the effective date of the action is a violation of N.C. Gen. Stat. § 58-33-32(k).

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 non-resident insurance 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) for failing to report and provide a copy of the May 30, 2024 Ohio administrative action within thirty (30) days of the 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 May 30, 2024 Ohio administrative action within thirty (30) days of the action's final disposition subjects Respondent's non-resident insurance producer license to suspension or revocation in accordance with N.C. Gen. Stat. § 58-2-70(b).

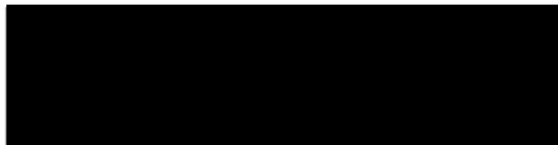
9. Respondent's offenses are further aggravated by Respondent's failure to respond to Agent Services' inquiries sent July 8, 2024, July 24, 2024, August 15, 2024, September 30, 2024, and November 25, 2024, seeking information and documents regarding the Ohio administrative action, in violation of N.C. Gen. Stat. §§ 58-2-185 and 58-2-195.

### ORDER

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

It is ORDERED that Respondent's non-resident insurance producer license issued by the North Carolina Department of Insurance is hereby **REVOKED**, effective five (5) days from the signing of this Order.

This 23<sup>rd</sup> day of June, 2025.



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. § 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: 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 copies of the same via certified U.S. Mail, return receipt requested and via first class U.S. Mail to the Respondent 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:

Jontai Holmes  
7826 Pine Crossings Cir., Apt. 1326  
Orlando, FL 32807-8265  
(*Respondent*)

**Certified Mail Tracking Number: 9589 0710 5270 0742 5906 20**

Whitney N. Shaffer  
Assistant Attorney General  
N.C. Department of Justice  
9001 Mail Service Center  
Raleigh, NC 27699-9001  
(*Attorney for Petitioner*)

This 23<sup>rd</sup> day of June, 2025.



Raheema I. Moore  
Clerk of Court for Administrative Hearings  
Paralegal III  
N.C. Department of Insurance  
General Counsel's Office  
1201 Mail Service Center  
Raleigh, NC 27699-1201