

NORTH CAROLINA DEPARTMENT OF INSURANCE
RALEIGH, NORTH CAROLINA

STATE OF NORTH CAROLINA
COUNTY OF WAKE

COMMISSIONER OF INSURANCE

IN THE MATTER OF:

THE LICENSURE OF
DANIEL HUNTER
(NPN # 15779213)

Respondent.

ORDER AND
FINAL AGENCY DECISION

Docket Number: 2271

THIS MATTER came on for hearing on March 31, 2025, in the Hearing Room of the North Carolina Department of Insurance located at 3200 Beechleaf Court, Raleigh, Wake County, North Carolina, before the undersigned Hearing Officer, as designated by the North Carolina Commissioner of Insurance ("Commissioner") under N.C. Gen. Stat. § 58-2-55.

Petitioner, the Agent Services Division of the North Carolina Department of Insurance ("Petitioner" or "Agent Services"), was represented by Assistant Attorney General Whitney Shaffer. Respondent Daniel Hunter ("Respondent") did not appear and was not represented by counsel at the hearing.

Petitioner moved, pursuant to 11 N.C.A.C. 1.0423(A), 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 proceeded to accept and consider testimony and evidence offered by Agent Services in support of its Petition at the hearing.

Petitioners' Exhibits 1 through 7, 8a through h, and 9 were admitted into evidence. Jeff Miller, Complaint Analyst, appeared and testified on behalf of Agent Services.

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

FINDINGS OF FACT

1. Agent Services is a division of the North Carolina Department of Insurance ("Department"), which is a state agency responsible, in accordance with

Chapter 58 of the North Carolina General Statutes, for enforcement of insurance laws and regulating and licensing insurance producers.

2. Respondent currently holds an active non-resident North Carolina insurance producer license issued by the Department with a line of authority in Life ("License"). Respondent's License was issued NPN No. 15779213 and was first active on October 4, 2021. Respondent is a resident of Delaware. *See* Pet'r's Exs. 3 and 4.

3. Service of the Notice of Administrative Hearing providing Respondent with due notice of the March 31, 2025 hearing was perfected on March 13, 2025 by delivery by certified mail, return receipt requested, addressed to Respondent at the residence address provided to Agent Services by Respondent, as shown by the Affidavit of Service admitted into evidence at the hearing. *See* Pet'r's Exs. 1 and 2.

4. Jeff Miller is a Complaint Analyst with Agent Services. Among his other duties, he handles licensure investigations of North Carolina insurance producers.

5. On or around December 16, 2023, Agent Services became aware, via a report from the Regulatory Information Retrieval System ("RIRS"), which is an automatic notification system through the National Association of Insurance Commissioners ("NAIC"), that Respondent received an adverse administrative action in Florida on July 25, 2023. *See* Pet'r's Ex. 5.

6. Effective July 25 2023, the Florida Department of Insurance issued a Notice of Denial, denying Respondent's application for licensure based on disqualifications of a prior conviction and providing a material misstatement or misrepresentation on Respondent's Florida insurance license application. *See* Pet'r's Ex. 9.

7. To comply with the reporting requirements of N.C. Gen. Stat. § 58-33-32(k), a North Carolina licensee may report administrative actions taken by other states to the Commissioner by either directly providing notice and a copy of the action to the Department or by uploading a copy of the administrative action to the attachment warehouse of the National Insurance Producer Registry (NIPR). Respondent did not upload a copy of the Florida administrative action to the NIPR attachment warehouse within thirty days after final disposition of Florida matter, or any time thereafter. *See* Pet'r's Exs. 6 and 8d-e.

8. Complaint Analyst Jeff Miller was assigned to investigate Respondent's Florida administrative action on behalf of Agent Services. On December 20, 2023, Mr. Miller e-mailed Respondent at his electronic address of record requesting that Respondent produce documentation regarding the Florida administrative action within 10 days of receipt of the email. *See* Pet'r's Ex. 8a. Respondent did not provide any response to Agent Services.

9. On January 3, 2024, Mr. Miller sent a follow-up e-mail to Respondent noting that Respondent had failed to provide the documents previously requested. That same day, Respondent replied to Mr. Miller's e-mail, asking when he might call and discuss the matter with Agent Services. Mr. Miller responded on January 16, 2024, informing Respondent of his availability to discuss the matter. *See* Pet'r's Exs. 8b-c.

10. On January 22, 2024, Mr. Miller and Respondent had a phone conversation about the Florida administrative action. Mr. Miller sent a follow-up e-mail after the conversation, further documenting that Respondent needed to send Agent Services a copy of the July 25, 2023 Florida administrative action. *See* Pet'r's Ex. 8d.

11. On January 24, 2024, Respondent provided a copy of the Florida administrative action to Agent Services via e-mail. *See* Pet'r's Exs. 8e and 9.

12. On January 25, 2024, Mr. Miller contacted Respondent via e-mail to request further clarification about criminal convictions that were reflected in the Florida administrative action. He requested further documentation from Respondent about Respondent's prior criminal convictions. The same day, Respondent replied that he was unaware of the need to report his convictions due to their age. *See* Pet'r's Exs. 8f-g.

13. On February 27, 2024, Mr. Miller sent an e-mail and a letter via first-class U.S. mail to Respondents addresses of record, scheduling a telephonic informal conference on April 2, 2024 at the phone number Respondent provided Commissioner. The correspondence detailed the violations alleged and the intent to discuss the late reporting of the Florida administrative action and Respondent's failure to disclose a prior conviction. *See* Pet'r's Ex. 8h.

14. On April 2, 2024, the informal conference was held on April 2, 2024, with Respondent's participation. Following the informal conference, Agent Services attempted to contact Respondent to further resolve the matter, but Respondent failed to respond after multiple attempts were made by Petitioner.

CONCLUSIONS OF LAW

1. This matter is properly before the Commissioner, and the Commissioner has jurisdiction over the parties and the subject matter.

2. Respondent was properly served with the Notice of Administrative Hearing in this matter pursuant to N.C. Gen. Stat. § 58-2-69(b) and Rule 4 of the North Carolina Rules of Civil Procedure. *See* Pet'r's Exs. 1 and 2. Despite proper notification given, Respondent failed to attend the March 31, 2025 hearing or retain

counsel to represent him at the hearing.

3. Pursuant to N.C. Gen. Stat. § 58-33-46(a)(2), one basis for the revocation of a license issued by the Department is violation of the insurance laws of North Carolina or any other State.

4. N.C. Gen. Stat. § 58-33-32(k) is a North Carolina insurance law that requires an insurance producer to report to the Commissioner “any administrative action” taken against the producer by another state “within 30 days after the final disposition of the matter.” The statute specifies that “[t]he report shall include a copy of the order or consent order and other information or documents filed in the proceeding necessary to describe the action.”

5. Respondent was subject to administrative actions taken against his licenses by the state of Florida, effective July 25, 2023, and the undersigned finds that Respondent was required to timely report these actions to the Commissioner by N.C. Gen. Stat. § 58-33-32(k).

6. Agent Services made initial contact with Respondent on December 20, 2024 requesting documentation from Respondent regarding the Florida action and his reporting requirement under the laws of this State. Respondent reported the Florida administrative action to the Department on January 24, 2024, by e-mailing Agent Services a copy of the Florida action. Respondent failed to report the July 25, 2023 Florida administrative action to the Commissioner within thirty days of the action’s final disposition, as mandated by N.C. Gen. Stat. § 58-33-32(k).

7. By failing to timely report the Florida administrative action within thirty days of its final disposition, Respondent violated a North Carolina insurance law within the meaning of N.C. Gen. Stat. § 58-33-46(a)(2).

8. Failure to provide documentation and information regarding an administrative action taken by another state is a serious offense that deprives the Department of information directly relevant to its evaluation of whether a licensee should continue to engage in the insurance business in North Carolina. To help Agent Services supervise insurance producer licensees and protect North Carolina insurance consumers, N.C. Gen. Stat. § 58-33-32(k) requires that licensees provide a copy of “the order or consent order and other information or documents filed in the proceeding necessary to describe the action” with the licensee’s report to Agent Services. Because administrative actions can be reported online to nearly all state regulators at one time using the NIPR attachment warehouse, compliance with this provision is relatively quick and simple. Nevertheless, as of the date of the hearing in this matter, Respondent had not uploaded documentation of the July 25, 2023 Florida administrative action to the NIPR attachment warehouse. Respondent provided the documentation of the Florida administrative action only upon inquiry by Agent Services, at which time the report was approximately five months late.

9. Respondent's offenses here are mitigated by Respondent's January 24, 2024 communication with Agent Services in which he belatedly provided documentation of the Florida administrative action in response to Agent Services December 20, 2023 request, and by Respondent's participation in an informal conference on April 2, 2024.

10. N.C. Gen. Stat. § 58-2-70 authorizes the Commissioner to order the payment of a monetary penalty upon a finding of a violation of Chapter 58 of the North Carolina General Statutes.

11. In lieu of license revocation as requested by Petitioner, the Hearing Officer finds that pursuant to N.C. Gen. Stat. 58-2-70 a civil penalty of \$250.00 is appropriate for the late reporting of the Florida administrative action in violation of N.C. Gen. Stat. §§58-33-32(k) and 58-33-46(a).

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


ORDER

It is ORDERED that Respondent's non-resident insurance producer license issued by the Department is hereby **SUSPENDED** until Respondent Daniel Hunter, pay a civil penalty in the amount of two hundred fifty dollars (\$250.00), 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 thirty (30) days of the effective date of this Order.

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

This 7 day of July, 2025.


Alisha Benjamin
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 addresses 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:

Daniel Hunter
28 Haggis Road
Middletown, DE 19709
(Respondent)

Certified Mail Tracking Number: 7022 0410 0003 1024 5331

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

This 7th day of July, 2025.



Raheema I. Moore
Clerk of Court for Administrative Hearings
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