

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)
JAIME MONTERO, JR.)
(NPN # 9080376))
)
Respondent.)
)

ORDER AND
FINAL AGENCY DECISION

Docket Number: 2208

THIS MATTER was heard on May 14, 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 Kristin K. Mullins. Respondent, Jaime Montero, Jr. (“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 GRANTED, and in the Hearing Officer’s discretion, the allegations contained in Agent Services’ Petition for Administrative Hearing were taken as true and deemed proved without further evidence.

Additionally, notwithstanding the sanction imposed on Respondent, the undersigned Hearing Officer proceeded to accept and consider testimony and evidence offered by Agent Services in support of this matter.

Petitioner’s Exhibits 1-3 and 7-8, and all subparts were admitted into evidence as full exhibits with redactions from Petitioner’s Exhibit 3.

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

BASED UPON the allegations of the Petition for Administrative Hearing, which have been deemed proven, as well as careful consideration of the documentary

and testimonial evidence presented at the hearing by Agent Services, and 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. 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”) and Petition for Administrative Hearing (“Petition”) were properly served on Respondent at Respondent’s residential address and business address of record 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 and Petition were delivered on April 19, 2025 and April 21, 2025, respectfully, at the residential address and business address of record. *See* Pet’r’s Ex. 2.

3. Prior to October 8, 2024, Respondent had a non-resident North Carolina Insurance Producer License, National Producer Number 9080376, with lines of authority in Accident & Health or Sickness, Life, and Medicare Supplement/Long Term Care (collectively, “License”). Respondent’s License was first active in North Carolina on May 7, 2008. Respondent is a resident of Florida. *See* Pet’r’s Ex. 3.

4. Effective December 7, 2023, the New York State Department of Financial Services (“New York”) denied Respondent’s application for a New York State insurance producer license on the grounds that Respondent demonstrated untrustworthiness and/or incompetence within the meaning and intent of New York State Insurance Law. *See* Pet’r’s Exs. 1 and 7.

5. Respondent did not report the December 7, 2023 New York administrative action to the NCDOI within the statutorily required thirty (30) days pursuant to N.C. Gen. Stat. § 58-33-32(k). *See* Pet’r’s Exs. 1 and 7.

6. On August 20, 2024, a full hearing on the merits was held before the Commissioner’s designated Hearing Officer (“Hearing Officer”). The hearing was noticed pursuant to a Petition requesting that the Commissioner, or his designated Hearing Officer, suspend or revoke the license issued to Respondent based on allegations that Respondent violated N.C. Gen. Stat. § 58-33-46(a)(2) for failing to timely report to the NCDOI the December 7, 2023 New York administrative action as required by N.C. Gen. Stat. § 58-33-32(k). *See* Pet’r’s Exs. 1 and 7.

7. On October 3, 2024, an Order and Final Agency Decision (“OFAD”) was

issued by the Hearing Officer following the August 20, 2024 hearing. The OFAD found that Respondent violated N.C. Gen. Stat. § 58-33-46(a)(2) for failing to timely report to the NCDOI the December 7, 2023 New York administrative action as required by N.C. Gen. Stat. §58-33-32(k). The OFAD ordered that Respondent's non-resident insurance producer's license be SUSPENDED for thirty (30) days, effective five (5) days from the signing of the order, or October 8, 2024. Additionally, a monetary penalty of two hundred dollars (\$200.00) was ordered to be paid to the NCDOI within thirty (30) days from the signing date of the order, which was October 3, 2024. *See Pet'r's Exs. 1 and 7.*

8. The OFAD was addressed to Respondent as follows: Jaime Montero, 942 SW 124th Terrace, Davie, Florida (residence address), and Jaime Montero, 3111 N University Drive, Suite #608, Coral Springs, FL 33065-5060 (business address). The OFAD was delivered to Respondent by certified U.S. mail on October 8, 2024 to both addresses. *See Pet'r's Exs. 1 and 7-8.*

9. Although the civil penalty of \$200.00 was ordered to be paid within thirty (30) days of October 3, 2024, or by November 1, 2024, Respondent did not submit the payment by the deadline. As of the date of the hearing, the NCDOI had not received payment for the civil penalty from Respondent. *See Pet'r's Ex. 1, Affidavit of Matthew Reck.*

10. Matthew Reck is a Complaint Analyst with Agent Services, and his job responsibilities includes handling enforcement files for Agent Services. Mr. Reck has handled the investigation of Respondent's enforcement file from inception through the date of the hearing.

11. Pursuant to the April 9, 2025 State Licensing Report, the contact information for Respondent has been the same since the inception of the investigation which confirms that all correspondence, including the October 3, 2024 OFAD, Notice, and Petition were all sent to the proper addresses on record.

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 and Petition pertaining to this May 14, 2025 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. Additionally, Respondent was properly served with the October 3, 2024 OFAD stemming from the initial 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.

4. Pursuant to 11 NCAC 01.0423(a), the hearing officer may issue sanctions if a party fails to appear at a hearing. Respondent failed to appear at this May 14, 2025 administrative hearing which subjected him to a sanction. The Hearing Officer considered the matter and concluded that the appropriate sanction is to take the allegations contained in Agent Services' Petition to be true and deemed proved without further evidence pursuant to 11 NCAC 01.0423(a)(1).

5. In addition to the allegations of the Petition taken as true under 11 NCAC 01.0423(a)(1), which are sufficient by themselves to warrant the order entered herein, the Hearing Officer heard additional testimony and evidence offered by Matthew Reck, which further supported this order.

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 failure to abide by the October 3, 2024 OFAD by failing to pay the \$200.00 fine within thirty (30) days after execution of the order on October 3, 2024, is a violation of N.C. Gen. Stat. § 58-33-46(a)(2). Respondent has not paid the \$200.00 to the NCDOI at all.

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 as of the date of the signing of this Order.

This the 30th 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. § 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 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:

Jaime Montero, Jr.
942 SW 124th Terrace
Davie, Florida 33325-5556
(Respondent)

Certified Mail Tracking Number: 7022 0410 0003 1024 5188

Jaime Montero, Jr.
3111 N University Dr., Suite #608
Coral Springs, Florida 33065-5060
(Respondent)

Certified Mail Tracking Number: 7022 0410 0003 1024 5171

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

This the 30th 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