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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
MARGOT LEYVA MUNGIA
LICENSE NO. 20130031

VOLUNTARY SETTLEMENT
AGREEMENT

NOW COME, Margot Leyva Mungia (hereinafter "Ms. Mungia") and the Agents Services Division of the N.C. Department of Insurance (hereinafter "Agents Services Division"), and hereby voluntarily and knowingly enter into the following Voluntary Settlement Agreement (hereinafter "this Agreement").

WHEREAS, the Agents Services Division has the authority and responsibility for enforcement of the insurance laws of this State, and for regulating and licensing insurance agents; and

WHEREAS, Ms. Mungia currently holds a Non-Resident Producer's license with authority for Accident & Health or Sickness lines of insurance issued by the Department; and

WHEREAS, North Carolina General Statute § 58-33-46(a)(8) provides that the Commissioner may place on probation, suspend, revoke, or refuse to renew any license issued under Article 33 of Chapter 58 of the General Statutes of NC, for using fraudulent, coercive, or dishonest practices, or demonstrating incompetence, untrustworthiness, or financial irresponsibility in the conduct of business in this State or elsewhere; and

WHEREAS, a complaint was filed by a resident stating that his health insurance plan through the marketplace was changed without his knowledge and consent by Ms. Mungia through her agent employee, Fredric M. Biallas (hereafter Mr. Biallas") from a Blue Cross Blue Shield policy to a Untited Healthcare policy; and

WHEREAS, the resident believed that he was only requesting information in regards to a dental policy and not a new health insurance policy as he was satisfied with his current healthcare policy. When the resident went to a previously scheduled doctor's appointment shortly after the interaction with Ms. Mungia through her agent employee Mr. Biallas, he learned that his health insurance policy had been cancelled and a new policy had been established under United Healthcare that was not comparable to his Blue Cross Blue Shield policy. The resident was able to be placed back on his original plan; and

WHEREAS, such alleged activity on the part of Ms. Mungia, changing insurance coverage without the knowledge and/or consent of the insured was reflective and in violation of the provisions of North Carolina General Statutes § 58-33-46(a)(8); and

WHEREAS, North Carolina General Statute § 58-33-46(a)(2) provides that the Commissioner may place on probation, suspend, revoke, or refuse to issue or renew any license issued under Article 58 of the General Statutes of North Carolina for violating any insurance law of this or any other state, violating any administrative rule, subpoena, or order of the Commissioner or of another state's regulator; and

WHEREAS, N. C. Gen. Stat. § 58-2-70 provides that whenever the Commissioner has reason to believe that any person has violated any law that would subject the license or certification of that person to suspension or revocation, the Commissioner is authorized, in lieu of a hearing, to negotiate a mutually acceptable agreement as to the status of the person's license or certificate or to any civil penalty or restitution; and

WHEREAS, Ms. Mungia has agreed to settle, compromise, and resolve the matters referenced in this Agreement on behalf of herself, and the Agent Services Division has agreed not to pursue additional civil ramifications, including penalties, sanctions, remedies, or restitution based on these matters against Ms. Mungia; and

WHEREAS, the parties to this Agreement mutually wish to resolve this matter by consent before the Department initiates an administrative hearing and have reached a mutually agreeable resolution of this matter as set out in this Agreement.


NOW, THEREFORE, in exchange for the consideration and promises and agreements set out herein, Ms. Mungia and the Department hereby agree to the following:

1. Immediately upon the signing of this Agreement, Ms. Mungia shall pay a civil penalty of **\$250.00** to the Agents Services Division. The form of payment shall be by certified check, cashier's check or money order. The check or money order for the payment of this civil penalty shall be payable to the "North Carolina Department of Insurance." Ms. Mungia shall remit the civil penalty by certified mail, return receipt requested, to the Agents Services Division along with a copy of this signed Agreement. The civil penalty and the signed Agreement must be received by the Agents Services Division no later than **October 2, 2023**. The 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 public schools.
2. This Agreement does not in any way affect the Agents Services Division's disciplinary power in any future examination of Ms. Mungia or in any other complaints involving Ms. Mungia.
3. Ms. Mungia enters into this Agreement, on behalf of herself, freely and voluntarily and with the knowledge of her right to have an administrative hearing on this matter. Ms. Mungia understands she may consult with an attorney prior to entering into this Agreement.
4. The parties to this Agreement agree that this Agreement shall have the full force and effect of an Order of the Commissioner. Ms. Mungia understands that N.C.G.S. § 58-33-46(a)(2) provides that a producer's license may be revoked for violating an Order of the Commissioner.
5. This Agreement, when finalized, will be a public record and will **not** be held confidential by the Agent Services Division. Following the execution of this Agreement, all licenses issued by the Agents Services Division to Ms. Mungia shall reflect that Regulatory Action has been taken against her. The Agents Services Division is free to disclose the contents of this Agreement with third parties upon request or pursuant to any law or policy providing for such disclosure. The Agents

Services Division routinely provides, upon request, a copy of the voluntary settlement agreement to all companies that have appointed the licensee.

6. The parties have read and understand this Agreement and agree to abide by the terms and conditions stated herein.
7. Be aware that if a state or federal regulator other than the Agents Services Division has issued an occupational or professional license to you, that regulator may require you to report this administrative action to it. The Agents Services Division cannot give you legal advice as to the specific reporting requirements of other state or federal regulators.

**N. C. Department of Insurance
Agents Services Division**



By: Margot Leyva Munia
License No 20130031

Date:

10.3.23



By: Joe Wall
Deputy Commissioner

Date:

10/19/2023