

**NORTH CAROLINA DEPARTMENT OF INSURANCE
RALEIGH, NORTH CAROLINA**

Docket Number: D-1806

STATE OF NORTH CAROLINA

**BEFORE THE COMMISSIONER
OF INSURANCE**

COUNTY OF WAKE

**IN THE MATTER OF THE
LICENSURE OF
THOMAS ONORATO
NPN # 16833861**

**FINAL AGENCY DECISION
AND ORDER**

This matter was heard on Wednesday, May 12, 2016, by the undersigned Hearing Officer, as designated by the Commissioner of Insurance, pursuant to North Carolina General Statutes §§ 58-2-50, 58-2-55, 58-2-70, 58-33-30, 58-33-31, 58-33-46, 150B-38, 150B-39, 150B-40 and 11 NCAC 1.0401 *et seq.* and other applicable statutes and regulations. The administrative hearing was held in Room 3099 of the Dobbs Building, located at 430 North Salisbury Street, Raleigh, Wake County, North Carolina. Assistant Attorney General Rebecca E. Lem represented the North Carolina Department of Insurance (hereinafter, "Department"), Agent Services Division (hereinafter "Agent Services" or "ASD"). Thomas Onorato (hereinafter, "Respondent") did not appear.

Ms. Megan Daniels, Complaint Analyst, testified for Agent Services, and documentary evidence was presented. After careful consideration of the evidence and arguments presented, and based on the record as a whole, the Undersigned makes the following Findings of Fact and Conclusions of Law:

FINDINGS OF FACT

1. The Notice of Administrative Hearing was properly served on Respondent pursuant to Rule 4 of the North Carolina Rules of Civil Procedure.
2. The General Assembly of North Carolina has delegated to the Commissioner of Insurance and the Department the authority and responsibility for the enforcement of Chapter 58 of the North Carolina General Statutes, including regulating and licensing insurance agents under Article 33 of that Chapter.
3. Respondent is a resident of Abington, Maryland, and holds a non-resident producer license issued by the Department with lines of authority in the areas of Life and Accident and Health or Sickness.

4. Documentary evidence admitted at the hearing and testimony show that Respondent received an administrative action against his Nebraska insurance license in the form of a consent order effective August 19, 2015, for failure to respond to an inquiry by the Nebraska Department of Insurance and for demonstrated lack of trustworthiness or fitness in violation of Neb. Rev. Stat. §§ 44-4059(1)(b), 44-1525(11), and 44-4059(1)(h) for which he received a \$250 fine and an order to respond.
5. Documentary evidence admitted at the hearing and testimony show that Respondent at no time thereafter reported the Nebraska administrative action to the Department or to the NIPR.
6. Documentary evidence admitted at the hearing and testimony show that the Department contacted the Respondent on several occasions between October 20, 2015 and February 9, 2016 by letter and email and held a telephone informal conference regarding his failure to report the Nebraska administrative action.
7. There is substantial evidence that supports the foregoing findings. Additionally, due to Respondent's failure to appear at the administrative hearing, the undersigned Hearing Officer finds, pursuant to 11 N.C.A.C. 1.0423(a)(1), that the allegations set out in the Notice of Administrative Hearing are taken as true and are deemed to be proved without the need of further evidence. The allegations set out in the Notice of Administrative Hearing are incorporated by reference as if set forth herein.

CONCLUSIONS OF LAW

1. This matter is properly before the Commissioner, and the Commissioner has jurisdiction over the parties and the subject matter pursuant to Chapter 58 of the North Carolina General Statutes.
2. Respondent was timely and properly served with the Notice of Administrative Hearing.
3. Respondent violated N.C. Gen. Stat. § 58-33-32(k) by failing to notify Department of the administrative actions taken against his insurance license by the Nebraska Department of Insurance within thirty (30) days of the dates of this administrative actions. This violation of N.C. Gen. Stat. § 58-33-32(k) is a violation of the insurance laws of North Carolina for which his license may be revoked pursuant to N.C. Gen. Stat. § 58-33-46(a)(2).
4. Respondent's violations of the insurance laws of Nebraska as set forth above are additional grounds for which is license may be revoked pursuant to N.C. Gen. Stat. § 58-33-46(a)(2).
5. Respondent's license should be revoked.

Based on the foregoing Finding of Facts and Conclusions of Law, the Hearing Officer enters the following:

ORDER

It is ordered that the non-resident producer license of Respondent Thomas Onorato is hereby revoked.

This 31st day of May, 2016.



Stewart Johnson, Hearing Officer
North Carolina Department of Insurance
1201 Mail Service Center
Raleigh, North Carolina 27699-1201

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I have this day served the foregoing FINAL AGENCY DECISION AND ORDER by certified mail, return receipt requested, first class postage prepaid, addressed as follows:

Thomas Onorato
2850 Bynum Overlook
Abingdon, MD 21009

This 15th day of June, 2016.

ROY COOPER
ATTORNEY GENERAL



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