

1. The Notice of Administrative Hearing was properly served on

Respondent on August 11, 2023. *See* Pet. Ex. 1 and 2.

2. The Department 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.

3. Respondent currently holds a non-resident producer license with lines of authority in Medicare Supplement/Long Term Care and Accident and Health or Sickness. Respondent's North Carolina license was first active on or about July 29, 2022. *See* Pet. Ex. 3.

4. Jeff Miller, Complaint Analyst with ASD, testified that this matter came to ASD's attention through a "PIC alert" which is an automatic notification system through the NAIC ("National Association of Insurance Commissioners") regarding an administrative actions Respondent received in Kansas and Illinois.

5. On September 8, 2022, the Kansas Insurance Department denied Respondent's license application pursuant to K.S.A. 40-4909(a)(1), K.S.A. 40-4909(a)(17), and K.S.A. 40-4909(b) based on Respondent providing incorrect, misleading, incomplete or material untrue information in the license application, Respondent's failure to timely respond to the Kansas Commissioner of Insurance's inquiry, and a finding that the insurable interests of the public are not properly served by issuance of a license to Respondent. *See* Pet. Ex. 10B.

6. On October 20, 2022, the Illinois Department of Insurance denied Respondent's license application pursuant to Section 500-70 of the Illinois Insurance Code (215 ILCS 5/500-70) for providing incorrect, misleading, incomplete, or material untrue information in the license application and for obtaining or attempting to obtain a license through misrepresentation or fraud. *See* Pet. Ex. 10A.

7. Mr. Miller testified that following the PIC alert concerning Respondent's administrative actions in Kansas and Illinois, Mr. Miller checked to see if Respondent reported his actions to the Department within thirty (30) days of the effective date of each action, as is required by N.C. Gen. Stat. § 58-33-32(k). Respondent had not reported the Kansas or Illinois administrative actions within thirty (30) days.

8. Mr. Miller testified that a licensee may report an administrative action against their license by uploading a copy of the administrative action to the NIPR Attachment Warehouse, or reporting it directly to the Department. A screenshot of the NIPR Attachment Warehouse was introduced into evidence. *See* Pet. Ex. 6A.

9. Mr. Miller contacted Respondent at Respondent's email address on record with the Department on November 28, 2022, and December 22, 2022, regarding

the unreported administrative action, and requested that he provide a written response within ten (10) days of the date of those emails. Respondent did not respond as requested and did not thereafter report his administrative actions. *See* Pet. Ex. 7A and 7B.

10. On January 30, 2023, Mr. Miller sent an informal conference notice by email and first-class USPS mail to Respondent notifying him of an informal conference to take place on February 27, 2023 by telephone conference. *See* Pet. Ex. 7C.

11. On February 3, 2023, Respondent emailed Mr. Miller inquiring about the informal conference notice and requested that Mr. Miller provide him with specifics so he would be prepared for the conference. Mr. Miller responded on February 14, 2023, requesting that Respondent provide ASD copies of the denial letters issued in Kansas and Illinois. *See* Pet. Ex. 7D.

12. On February 13, 2023, Respondent uploaded a document to the NIPR Attachment Warehouse. The document consisted of a brief statement by Respondent acknowledging that he had administrative actions in Kansas and “possibly Illinois”. Mr. Miller testified that no copies of administrative actions were uploaded to the Warehouse. Additionally, Mr. Miller testified that the statement was not timely given that the effective dates of the Kansas and Illinois administrative actions were September 8, 2022 and October 20, 2022 respectively. *See* Pet. Ex. 6B.

13. During the informal conference on February 27, 2023 via telephone, Mr. Miller again requested that Respondent provide copies of the denial letters for the Kansas and Illinois administrative actions by March 3, 2023. Mr. Miller also followed this up with an email that same day reiterating this request. On, March 2, 2023, Respondent requested an additional day to gather the requested information for ASD. *See* Pet. Ex. 7E.

14. Testimonial and documentary evidence admitted at the hearing show that Respondent never provided copies of either the Kansas or Illinois administrative action to the Department as requested. Nor did Respondent respond to anymore of ASD’s attempts to communicate prior to this administrative hearing. *See* Pet. Ex. 9.

15. Petitioner requested that Respondent’s licenses be revoked pursuant to N.C. Gen. Stat. §§ 58-33-32(k) and 58-33-46(a)(2), noting that Respondent did not appear to have a continuing interest in retaining his North Carolina insurance licenses.

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. The Notice of Administrative Hearing was properly served on Petitioner pursuant to N.C. Gen. Stat. § 58-2-69(b) and Rule 4 of the North Carolina Rules of Civil Procedure.

3. Respondent was required to report the Kansas administrative action (license denials effective September 8, 2022) and Illinois administrative action (license denial effective October 20, 2022) within thirty (30) days of the effective dates of those actions pursuant to N.C. Gen. Stat. § 58-33-32(k). Respondent failed to timely report these administrative actions to the Department.

4. Although Respondent uploaded a document on or about February 13, 2023 in which he disclosed that he had administrative actions in Kansas and Illinois, this was not sufficient to report these administrative actions pursuant to N.C. Gen. Stat. § 58-33-32(k).

5. The effective date of the Kansas administrative action was September 8, 2022, and the effective date of the Illinois administrative action was October 20, 2022, so even if Respondent had effectively reported these administrative actions through his February 13, 2023 upload to the NIPR Attachment Warehouse, such would be late reporting of these administrative actions pursuant to N.C. Gen. Stat. § 58-33-32(k), as this upload was not achieved within thirty (30) days of the effective dates of these actions.

6. Respondent's failure to report the administrative actions against his Kansas and Illinois insurance licenses to the Department within thirty (30) days of the effective dates of that action are violations of N.C. Gen. Stat. § 58-33-32(k).

7. N.C. Gen. Stat. § 58-33-46(a)(2) allows the Commissioner to suspend, revoke, or refuse to renew any license issued under this Article for violating any insurance law of this or any other state. Respondent's license is subject to suspension or revocation under N.C. Gen. Stat. § 58-33-46(a)(2) for his failure to report the Louisiana administrative action to the Department in violation of N.C. Gen. Stat. § 58-33-32(k).

8. Respondent initially communicated with ASD via email, however after requesting an extension to provide copies of the requested administrative actions, Respondent never provided copies of either administrative action and Respondent

ceased all communication with ASD following March 2, 2023. Respondent has not shown a continuing interest in retaining his North Carolina insurance licenses.

ORDER

BASED UPON the forgoing Finding of Facts and Conclusions of Law, it is ORDERED that Respondent's licenses issued by the North Carolina Department of Insurance are hereby REVOKED effective as of the date of the signing of this order.

This the 9th day of October, 2023.



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. § 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: A. John Hoomani, 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; via first class U.S. mail to the licensee, 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:

Dante Paone
1419 NE 14th Ct.
Ft. Lauderdale, FL 33304-1341
(Respondent)

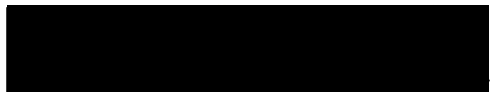
Certified Mail Tracking Number: 7020-0640-0000-8446

Dante Paone
3450 Buschwood Park Dr.
Suite 200
Tampa, FL 33618-4447
(Respondent)

Certified Mail Tracking Number: 7022-2410-0000-9662-6595

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

This the 10th day of October, 2023.



Mary Faulkner
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