

1. The North Carolina Department of Insurance (“NCDOI”) is a state agency responsible, in accordance with Chapter 58 of the North Carolina General Statutes, for enforcement of the insurance laws of North Carolina and for regulating and licensing insurance producers.

2. At all relevant times herein, Respondent held a Nonresident Producer license with authority for accident & health or sickness and life insurance. Respondent's National Producer License Number (NPN) is 1511114.

3. At all relevant times herein, Respondent was a resident of the state of Florida.

4. On January 23, 2024, Respondent's nonresident insurance provider license in Louisiana (Louisiana Producer License Number 861326) was revoked by the Louisiana Department of Insurance (the "Louisiana Action"). See Pet'r's Ex. 8.

5. On June 5, 2024, Respondent's nonresident insurance provider license in California was revoked by the California Department of Insurance (California Insurance License Number 4051405) (the "California Action"). See Pet'r's Ex. 9.

6. N.C. Gen. Stat. § 58-33-32(k) requires a producer to report to the Commissioner any administrative action taken against the producer in another state within 30 days after the final disposition of the matter. The report "shall include a copy of the order or consent order and other information or documents filed in the proceeding necessary to describe the actions."

7. Tommy Walls, ("Mr. Walls") complaint analyst for the Department's Agent Services Division, testified that producers are permitted to report administrative actions taken against them by various means, including email, mail, fax, and by uploading a copy of the written administrative action to the National Insurance Producer Registry ("NIPR") attachment warehouse.

8. On or about March 18, 2024, Mr. Walls learned through the NIPR that the Louisiana Department of Insurance had revoked Respondent's non-resident insurance producer license.

9. Mr. Walls confirmed that Respondent had not uploaded the Louisiana Action to the NIPR attachment warehouse or reported the action to Agent Services by any other means.

10. On March 18, 2024, Mr. Walls sent Respondent a letter and e-mail which informed Respondent that Agent Services had learned about the unreported Louisiana Action and explained that N.C. Gen. Stat. § 58-33-32(k) requires a producer to report to the Commissioner any administrative action taken against the producer in another state or by another government agency in this State within 30 days after final disposition of the action. Mr. Walls also informed Respondent that he had not reported a prior Delaware Administrative Action. Mr. Walls requested that Respondent send a written response within 10 days of the letter. See Pet'r's Ex. 7A.



11. Respondent did not provide a written response within 10 days. Mr. Walls sent Respondent a follow-up letter and e-mail on April 16, 2024. *See* Pet'r's Ex. 7B.

12. Respondent did not provide a response to the follow-up letter. On June 12, 2024, Mr. Walls informed Respondent via e-mail and U.S. Mail that the Department would discuss the allegations with Respondent by phone during an informal conference on July 23, 2024. *See* Pet'r's Ex. 7C.

13. On July 18, 2024, Mr. Walls learned through the NIPR that Respondent's nonresident producer license had been revoked in California. He confirmed that Respondent had not notified the Department of the California Action.

14. Also on July 18, 2024, Mr. Walls informed Respondent via e-mail that the California Action had not been reported. The California Action would be discussed at the informal conference along with the Louisiana Action. *See* Pet'r's Ex. 7E.

15. Respondent did not attend the informal conference on July 23, 2024.

16. Because of Respondent's failure to provide requested documentation, the Agent Services Division was unable to resolve the matter informally with the Respondent through an informal conference and thus referred this matter to the Attorney General's office for preparation of a Notice of Hearing and Petition for Administrative Hearing against Respondent. *See* Pet'r's Ex. 7F.

17. Prior to the December 10, 2024 hearing date, Mr. Walls checked the NIPR attachment warehouse to confirm whether Respondent had subsequently reported the Louisiana Action or the California Action. The NIPR attachment warehouse showed that Respondent had not reported either action as of December 10, 2024.

18. Respondent knowingly violated N.C. Gen. Stat. § 58-33-32(k) by failing to report the Louisiana Action within 30 days of final disposition of said matter.

19. Respondent knowingly violated N.C. Gen. Stat. § 58-33-32(k) by failing to report the California Action within 30 days of final disposition of said matter.

### **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 with attached Petition for Hearing was properly served on Petitioner pursuant to Rule 4 of the North Carolina Rules of Civil Procedure.

3. The Notice of Administrative Hearing with attached Petition for Hearing gave Respondent notice of all the factual and legal allegations which Agent Services Division relies upon to support taking disciplinary action against his producer licensee pursuant to N.C. Gen. Stat. § 58-33-46(a)(2) and (9). Such is the only legally required notice under Article 3A of Chapter 150B. *See* N.C. Gen. Stat. § 150B-38(b).

4. Respondent's Resident Producer license should be suspended or revoked pursuant to N.C. Gen. Stat. § 58-33-46(a)(2) based upon his violations of N.C. Gen. Stat. §§ 58-33-32(k).


5. N.C. Gen. Stat. § 58-33-46(a)(9) states that the Commissioner may place on probation, suspend, or revoke the license of a licensee for "[h]aving an insurance producer license, or its equivalent, denied, suspended, or revoked in any other jurisdiction for reasons substantially similar to those listed in this subsection."

6. Respondent's producer license should be revoked pursuant to N.C. Gen. Stat. § 58-33-46(a)(9) because his license application was revoked by the Louisiana Department of Insurance and the California Department of Insurance for reasons that are substantially similar if not identical to the grounds set forth in N.C. Gen. Stat. § 58-33-46(a).

### ORDER

Based on the foregoing Findings of Facts and Conclusions of Law, it is ordered that Respondent's nonresident producer's 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 6<sup>th</sup> day of January, 2025.

  
Charles G. Whitehead  
Hearing Officer  
N.C. Department of Insurance

## APPEAL RIGHTS

This is a Final Agency Decision issued under the authority of N.C. Gen. Stat. S 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. S 1 A-I, 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. S 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; via first class U.S. mail to the licensee at the residential address provided to the Commissioner pursuant to N.C. Gen. Stat. § 58-2-69(b) and (d); and via State Courier to Attorney for Petitioner, addressed as follows:

Warren Rockmacher  
2920 Shaughnessy Dr  
Wellington, FL 33414-6498  
(Respondent)

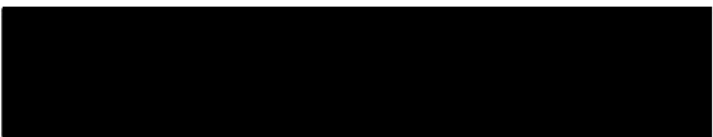
**Certified Mail Tracking Number: 9589 0710 5270 0742 5897 23**

Warren Rockmacher  
920 5<sup>th</sup> Ave., Suite 3600  
Seattle, WA 98104-1594  
(Respondent)

**Certified Mail Tracking Number: 9589 0710 5270 0742 5896 79**

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

This the 6<sup>th</sup> day of January, 2025.



Kimberly W. Pierce, NCCP  
Clerk of Court for Administrative Hearings  
Paralegal III  
N.C. Department of Insurance  
General Counsel's Office  
1201 Mail Service Center  
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