

1. The North Carolina Department of Insurance (“NCDI”) 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. Respondent holds an active non-resident producer's license with lines of authority for Accident and Health or Sickness and Med Supp/Long Term Care ("License"). Respondent's License was first issued on August 28, 2020. Respondent's National Producer License Number (NPN) is 17372010. *See* Pet'r's Ex. 3.

3. The Notice of Administrative Hearing was properly served on Respondent on January 13, 2023. The Notice of Administrative Hearing and Affidavit of Service were admitted into evidence as Petitioner's Exhibits 1 and 2.

4. On January 19, 2016, Respondent pled guilty in the Circuit Court of Hillsborough County, Florida, to the felony charge of aggravated assault on a law enforcement officer. Adjudication was withheld and Respondent was sentenced to 24 months of probation, community service, and other provisions. *See* Pet'r's Ex. 7.

5. On Respondent's original license application submitted to this Department on August 28, 2020, Respondent answered "No" in response to the application question which asks, "Have you ever been convicted of a felony, had a judgment withheld or deferred, or are you currently charged with committing a felony?" *See* Pet'r's Ex. 11.

6. Tommy Walls testified that to his knowledge, Agent Services may or may not have granted Respondent's License had the 2016 conviction been disclosed in the original application. This decision would have been made by Agent Services' Licensing Section.

7. On May 13, 2022, Respondent uploaded relevant documents regarding the 2016 felony conviction to the National Insurance Producer Registry ("NIPR") Attachment Warehouse. These documents included "Court Records", "Satisfied Court Records" and Letter of Explanation ("LOE") which were made accessible to the Department at that time. *See* Pet'r's Ex. 6.

8. The Respondent's submitted LOE reflected Respondent's belief that the prior felony judgement was satisfied upon compliance with court provisions which included psychological evaluations, an apology letter and probation fees paid in full. Such belief was the documented reason Respondent did not disclose this conviction on her original application to the Department. The LOE further detailed Respondent's voluntarily disclosed mental health state from the time of conviction to present day. *See* Pet'r's Ex. 10.

9. Effective May 23, 2022, the Louisiana Department of Insurance ["LDOI"] issued a Notice of Fine to Respondent in the amount of \$250.00, for Respondent's failure to disclose the January 19, 2016, felony conviction on her August 27, 2020, license application. The LDOI determined that Respondent's

failure to disclose her criminal history was in violation of La. R.S. 22:1554(A)(2), which permits the Commissioner of insurance to place on probation, suspend, revoke, refuse to issue, renew, or reinstate and insurance produce license, or to levy a fine should he find that an insurance producer has provided incorrect, misleading, incomplete or materially false information, or omission of material information, in the license or renewal application. *See* Pet'r's Ex. 5.

10. Respondent failed to report the May 23, 2022, LDOI administrative action to the Commissioner within 30 days after final disposition of such administrative action as required by N.C. Gen. Stat. § 58-33-32(k).

11. Tommy Walls testified that he contacted Respondent via email on July 25, 2022, and August 5, 2022, requesting a written response and documentation regarding Respondent's failure to report the Louisiana administrative action and the 2016 felony conviction. Agent Services received no response as requested. *See* Pet'r's Exs. 12 and 13.

12. On October 13, 2022, Agent Services successfully reached Respondent via telephone was given the same information about the felony conviction that Respondent previously uploaded to the NIPR Attachment Warehouse on May 13, 2022. No additional information was provided to Agent Services regarding Respondents failure to report the Louisiana administrative action.

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 properly served with the Notice of Administrative Hearing in this matter.

3. N.C. Gen. Stat. § 58-33-46(a)(1) 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 North Carolina for providing materially incorrect, misleading, incomplete, or materially untrue information in the license application.

4. N.C. Gen. Stat. § 58-33-46(a)(6) 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 North Carolina for conviction of a felony or misdemeanor involving dishonesty, a breach of trust or moral turpitude.

5. Respondent's January 19, 2016, guilty plea to a charge of aggravated assault on a law enforcement officer with adjudication withheld, constitutes a felony conviction. Respondent provided materially incorrect information on her original application for a non-resident producer license dated August 28, 2020, by not disclosing said conviction.

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. Respondent violated N.C. Gen. Stat. § 58-33-32(k) by her failure to report the LDOI administrative action, which was a monetary fine in the amount of \$250.00, within 30 days after final disposition of such administrative action.

8. N.C. Gen. Stat. § 58-33-46(a)(2) authorizes the Commissioner to take disciplinary action against a license holder if the licensee 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.

9. N.C. Gen. Stat. § 58-2-70 authorizes the Commissioner to order the payment of a monetary penalty upon a finding of a violation of Chapter 58 of the North Carolina General Statutes.

10. It is noted that Respondent did submit relevant documents regarding the 2016 felony conviction to the NIPR Attachment Warehouse prior to any administrative actions being taken.

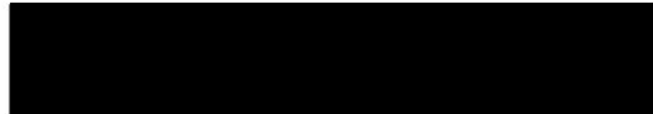
11. In lieu of license revocation as requested by Agent Services, the Hearing Officer finds that a civil penalty of \$250 is appropriate for the violations of N.C. Gen. Stat. §58-33-32(k) and a civil penalty of \$250 for the violations of N.C. Gen. Stat. § 58-33-46(a), pursuant to N.C. Gen. Stat. 58-2-70. The total monetary penalties should be \$500.00.

ORDER

Based on the foregoing Findings of Facts and Conclusions of Law, it is ORDERED that Denise Romero pay a civil penalty in the amount of \$500.00 for violations of N.C. Gen. Stat. §§ 58-33-46(a)(1), 58-33-46(a)(6), 58-33-32(k). Payment of this civil penalty shall be by certified funds, to include certified bank check, cashier's check, and money order, made payable to the "North Carolina Department

of Insurance” and submitted to the Agent Services Division of the North Carolina Department of Insurance within thirty (30) days of receipt of this Order and Final Agency Decision. This 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 the public schools. Failure to comply with the terms of this Order may provide grounds for administrative action, to include, but not limited to, revocation, non-renewal, or suspension.

This the 3rd day of March, 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 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:

Denise Romero
10417 Canary Isle Drive
Tampa, FL 33647
(Respondent)

Certified Mail Tracking #: 70200640000031858262

Denise Romero
10531 Cory Lake Drive
Tampa, FL 33647-2711
(Respondent)

Certified Mail Tracking #: 70200640000031858255

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

This the 17th day of March, 2023.


Mary Faulkner
Paralegal III
N.C. Department of Insurance
General Counsel's Office
1201 Mail Service Center
Raleigh, NC 27699-1201