

NORTH CAROLINA DEPARTMENT OF INSURANCE
RALEIGH, NORTH CAROLINA

STATE OF NORTH CAROLINA)	
COUNTY OF WAKE)	BEFORE THE
)	COMMISSIONER OF INSURANCE
)	
IN THE MATTER OF:)	ORDER AND FINAL
)	<u>AGENCY DECISION</u>
THE LICENSURE OF:)	
JOSEPH TENUTA)	Docket Number: 2118
(NPN #19303132))	
)	
Respondent.)	
)	

THIS MATTER was heard on April 27, 2023 by the undersigned Hearing Officer, designated by the North Carolina Commissioner of Insurance (“Commissioner”) under N.C. Gen. Stat. § 58-2-55, pursuant to a Notice of Administrative Hearing that was duly issued and served.

Respondent, Joseph Tenuta, proceeding *pro se*, failed to appear at the hearing.

Petitioner Agent Services Division (“Agent Services”) of the North Carolina Department of Insurance (“NCDOI”) was present at the hearing and was represented by Todd H. Neal, Assistant Attorney General. Agent Services Complaint Analyst Carisa Ransome testified at the hearing.

Agent Services offered into evidence Petitioner’s Exhibits 1 through 11, which were admitted into evidence.

BASED UPON careful consideration of the evidence and arguments presented, and based upon the entire record in the proceeding, the Hearing Officer hereby makes the following Findings of Fact and Conclusions of Law:

FINDINGS OF FACT

1. The Notice of Administrative Hearing and Petition for Administrative Hearing were properly served on Respondent on April 4, 2023. The Notice of Administrative Hearing, Petition for Administrative Hearing, and Affidavit of Service were admitted into evidence as Exhibits 1, 1A, and 2 respectively.

2. At all times relevant herein, Respondent held a nonresident Insurance Producer License with lines of authority in Accident & Health or Sickness and Medicare Supplement Long-Term Care; License Number 19303132. A copy of the Licensee Summary was admitted into evidence as Exhibit 3.

3. On or about May 4, 2022, the Louisiana Department of Insurance, via written correspondence, notified Respondent it was levying a \$250 fine on Respondent for providing incorrect, misleading, incomplete, or materially false information on Respondent's 2019 and 2020 license applications by failing to disclose a 2015 misdemeanor criminal conviction. The correspondence advises that the fine constitutes an administrative action. A certified copy of that May 4, 2022 Notice of Fine from the Louisiana Department of Insurance was admitted into evidence as Exhibit 5.

4. Respondent did not report that May 4, 2022 Louisiana administrative action to the Commissioner within 30 days of the final disposition of that matter.

5. On or about October 20, 2022, the Louisiana Department of Insurance, via written correspondence, noticed Respondent it was levying an additional \$250 fine on Respondent for failing to disclose an administrative action taken by the North Carolina Department of Insurance, effective May 2, 2022, within thirty days as required. The correspondence advises that this additional fine constitutes an administrative action. A certified copy of that October 20, 2022 Notice of Fine from the Louisiana Department of Insurance was admitted into evidence as Exhibit 10.

6. Respondent did not report that October 20, 2022 Louisiana administrative action to the Commissioner within 30 days of the final disposition of that matter.

7. On or about October 27, 2022, the State Corporation Commission of Virginia Bureau of Insurance and Respondent entered into a Settlement based on Respondent's failure to report administrative actions taken against Respondent by both California and North Carolina within thirty days of the final disposition of either, whereby Respondent paid \$500 and the Virginia Bureau of Insurance did not pursue other disciplinary action concerning Respondent's licensure. This Settlement Order was an administrative action. A certified copy of this Settlement Order was admitted into evidence as Exhibit 11.

8. Respondent did not report that Virginia administrative action to the Commissioner within 30 days of the final disposition of that matter.

CONCLUSIONS OF LAW

1. This matter is properly before the Commissioner. 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. § 58-33-32(k) requires a producer to report to the Commissioner any administrative action taken against the producer in another state or by another governmental agency in this State within thirty (30) days after the final disposition of the matter.

4. Respondent failed to report to the Commissioner the aforementioned Louisiana administrative actions as well as the Virginia administrative action within thirty (30) days of the respective final dispositions of those matters and therefore violated N.C. Gen. Stat. § 58-33-32(k).

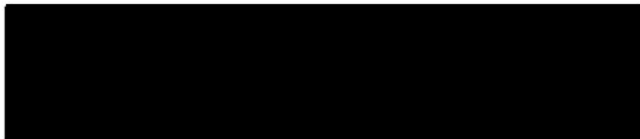
5. N.C. Gen. Stat. § 58-33-46(a)(2) authorizes the Commissioner to take disciplinary action against a license holder if the licensee has violated any insurance law of this or any other state, violated any administrative rule, subpoena, or order of the Commissioner or of another state's insurance regulator, or violated any rule of FINRA.

6. Respondent's violation of N.C. Gen. Stat. § 58-33-32(k) constitutes a violation of insurance laws of this state and is therefore grounds for license revocation under N.C. Gen. Stat. § 58-33-46(a)(2).

ORDER

Based upon the foregoing Findings of Fact and Conclusions of Law, it is ORDERED that Respondent's Nonresident producer license be revoked effective as of the date of the signing of this Order.

This 21st day of August, 2023.



A. John Hoomani
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 1.0413 and N.C.G.S. § 1A-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 and requires service of the Petition on all parties. 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

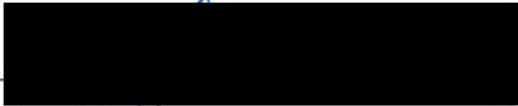
I **HEREBY CERTIFY** that I have this day served the foregoing **ORDER and FINAL AGENCY DECISION** by mailing a copy of the same via certified U.S. Mail, return receipt requested; and via first class U.S. Mail to the licensee at the address provided to the Commissioner pursuant to N.C. Gen. Stat. § 58-2-69(b); and via State Courier to Attorney for Petitioner addressed as follows:

Joseph Tenuta
303 E. Wacker Drive
Suite 2840
Chicago, IL 60601
(Respondent)

Certified Mail Tracking Number: 70222410000096626380

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

This the 21st day of August, 2023


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