



North Carolina Statutes.

2. On May 27, 2025, a copy of the Notice of Administrative Hearing (“Notice”) and Petition for Administrative Hearing (“Petition”) were deposited in the United States Postal Service via first-class mail and via certified mail, return receipt requested, to Respondent at Respondent’s residential address of record. *See* Pet’s Exs. 2-4.

3. The Notice and Petition were properly served on Respondent by depositing in the United States Postal Service via first-class mail and via certified mail, return receipt requested, pursuant to N.C. Gen. Stat. §§ 58-2-69(b), (d), and (e) and Rule 4 of the North Carolina Rules of Civil Procedure. *See* Pet’s Exs. 1 and 2. The certified mail was not delivered as it was unclaimed returned to sender, and the first-class mail was not returned.

4. At all relevant times, Respondent held a non-resident North Carolina Insurance Producer License, National Producer License Number 20413306, with lines of authority in Accident and Health or Sickness and Medicare Supplement/Long Term Care (“License”). Respondent’s License was first issued in North Carolina on January 11, 2023. Respondent is a resident of Utah. *See* Pet’s Exs. 3 and 4.

5. Tommy Walls is a Senior Complaint Analyst with Agent Services, and his job responsibilities include handling enforcement files for Agent Services. This includes handling an investigation of a licensee if another state takes administrative action against a licensee. Administrative actions are reflected on the Regulatory Information Retrieval System (“RIRS”) report, which is an automatic notification system through the National Association of Insurance Commissioners (“NAIC”). This system generates Personalized Information Capture System alerts (“PIC alert”) that notify the NCDOI if another state has taken administrative action against a North Carolina licensee.

6. Tommy Walls assumed responsibility for the investigation pertaining to Respondent after another Complaint Analyst, Lindsay Maczka, left her position with Agent Services. Specifically, the PIC alert regarding the administrative action against Respondent that the Kansas Insurance Department (“Kansas”) entered into NAIC on January 24, 2024. *See* Pet’s Ex. 5.

7. As part of his investigation, Tommy Walls obtained a certified copy of the Decision on License Application issued by the Kansas Insurance Department (“Kansas administrative action”). *See* Pet’s Ex. 7. On October 6, 2023, Kansas denied Respondent’s application for a non-resident insurance producer license. *Id.* The denial was based on Respondent’s failure to provide required documentation regarding the misdemeanor conviction he disclosed on the application, and failure to respond to an inquiry from the Kansas Commissioner requesting the documentation.

*Id.* Kansas determined this constituted providing incorrect, misleading, incomplete or untrue information in the license application and indicated the insurable interests of the public would not be served by granting a license. *Id.* The denial became effective at the expiration of fifteen (15) days (plus three (3) days for mailing) of the October 6, 2023 letter if Respondent failed to request a hearing. *Id.* Based on its language, the Kansas administrative action would have been effective on October 25, 2023.

8. A licensee is obligated to report any administrative action taken against the licensee to the NCDOI within thirty (30) days of the action's final disposition. *See* N.C. Gen. Stat. § 58-33-32(k). A licensee may report an administrative action by uploading a copy of the administrative action to the National Insurance Producer Registry ("NIPR") Attachment Warehouse or reporting it directly to the NCDOI via mail, e-mail, or fax.

9. The NIPR Attachment Warehouse screenshot shows that Respondent reported the October 25, 2023 Kansas administrative action on January 8, 2025, which was outside of the thirty (30) day statutory timeframe required by N.C. Gen. Stat. § 58-33-32(k). *See* Pet'r's Ex. 6.

10. On February 5, 2024, Agent Services sent correspondence via e-mail to Respondent's e-mail addresses of record informing Respondent that Agent Services was aware of the unreported Kansas administrative action and explained the statutory requirement to report within thirty (30) days after the final disposition. *See* Pet'r's Ex. 8. Respondent was instructed to provide Agent Services with a written response, along with documentation regarding this matter within ten (10) days. *Id.* Agent Services did not receive a bounce-back message or any other indication that the e-mail sent to Respondent was not delivered. Respondent failed to provide any response to this correspondence.

11. On February 15, 2024, Agent Services sent a follow-up correspondence via e-mail to Respondent's e-mail addresses of record noting that Respondent failed to provide a response, and the documentation requested in the February 5, 2024 correspondence. *See* Pet'r's Ex. 9. This February 15, 2024 correspondence gave Respondent notice that unless he provided a response to Agent Services within ten (10) days, Agent Services would consider Respondent to be in violation of N.C. Gen. Stat. §§ 58-2-185 and 58-2-195 and may consider proceeding with an administrative action against his license. *Id.* Respondent failed to provide any response to this correspondence.

12. On March 14, 2024, Agent Services sent correspondence via first-class mail to Respondent's residential addresses of record and e-mailed a copy of the letter to Respondent's e-mail addresses of record requesting that Respondent attend an informal conference to discuss the Kansas administrative action. The informal

conference was scheduled for Respondent on April 16, 2024 at 11:30 a.m. eastern time via the telephone. *See* Pet'r's Ex. 10. Respondent failed to provide any response to this correspondence.

13. At the appointed time for the April 16, 2024 informal telephonic conference, Agent Services contacted Respondent at the listed home and work telephone numbers on record, but Respondent did not answer either call. *See* Pet'r's Ex. 11. Agent Services left voicemails for Respondent. *Id.* Respondent did not contact Agent Services. *Id.*

14. Respondent failed to respond to any of Agent Services' numerous attempts to contact him regarding the Kansas administrative action, nor did Respondent attend the informal telephonic conference with Agent Services. Although Respondent eventually submitted the Kansas administrative action to the NIPR Attachment Warehouse, he did not do so until January 8, 2025, which was well beyond the statutory timeframe required to be compliant with N.C. Gen. Stat. § 58-33-32(k). *See* Pet'r's Ex. 6. This demonstrates Respondent's lack of interest in maintaining his License.

### 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 and Petition in this matter pursuant to N.C. Gen. Stat. §§ 58-2-69(d) and (e) and Rule 4 of the North Carolina Rules of Civil Procedure. Service of the Notice and Petition to Respondent's residential address of record was complete on or about June 1, 2025. *See* Pet'r's Ex. 2.

3. N.C. Gen. Stat. § 58-33-32(k) requires an insurance producer to report to the Commissioner any administrative action taken against the producer by another state within thirty (30) days after the final disposition of the matter and to include a copy of the order or consent order and other information or documents filed in the proceeding necessary to describe the action. Respondent was required to report the Kansas administrative action (effective on October 25, 2023) within thirty (30) days of the action's final disposition.

4. Respondent's failure to report and provide a copy of the October 25, 2023 Kansas administrative action directly to the NCDOI or via the NIPR Attachment Warehouse within thirty (30) days of the action's final disposition is a violation of N.C. Gen. Stat. § 58-33-32(k). Respondent reported the Kansas administrative action on January 8, 2025, which was beyond the statutorily required thirty (30) days.

5. N.C. Gen. Stat. § 58-33-46(a)(2) allows the Commissioner to place on probation, suspend, or revoke the license of a licensee who 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 non-resident insurance producer license is subject to disciplinary action due to Respondent's violation of N.C. Gen. Stat. § 58-33-32(k) for failing to timely report the October 25, 2023 Kansas administrative action within thirty (30) days of the action's final disposition.

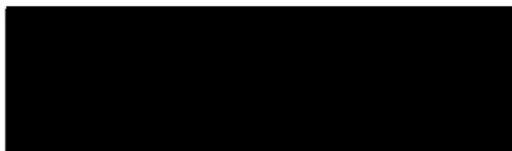
7. N.C. Gen. Stat. § 58-2-70(c) provides that if, under subsection (b) of this section, the Commissioner finds a violation of this Chapter, the Commissioner may, in addition to or instead of suspending or revoking the license, order the payment of a monetary penalty as provided in subsection (d) of this section. Respondent's failure to report and provide a copy of the Kansas administrative action within thirty (30) days of the action's final disposition in violation of N.C. Gen. Stat. § 58-33-32(k) subjects Respondent's non-resident insurance producer license to suspension or revocation in accordance with N.C. Gen. Stat. § 58-2-70(b).

BASED UPON the foregoing Findings of Fact and Conclusions of Law, the Hearing Officer enters the following:

### ORDER

It is **ORDERED** that Respondent's non-resident insurance producer license issued by the North Carolina Department of Insurance is hereby **REVOKED** effective five (5) days from the signing of this Order.

This 19<sup>th</sup> day of August, 2025.



Shannon Wharry  
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 the 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: 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; 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:

Garrett Tolino  
7650 S Center Square  
Apt. #408  
Midvale, UT 84047  
(Respondent)

**Certified Mail Tracking Number: 9589 0710 5270 2731 6466 15**

Dilcy Burton  
Assistant Attorney General  
N.C. Department of Justice  
Insurance Section  
9001 Mail Service Center  
Raleigh, NC 27699-9001

This the 19<sup>th</sup> day of August, 2025.



Raheema I. Moore  
Clerk of Court for Administrative Hearings  
Paralegal III  
N.C. Department of Insurance  
General Counsel's Office  
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