

The Petition for Administrative Hearing alleged that Respondent violated N.C. Gen Stat. §§ 58-33-32(k) and 58-33-46(a)(2) for failure to report other states' administrative actions. In addition, the Petition alleged that Respondent violated N.C. Gen. Stat. § 58-2-69(c) for failing to timely notify (within 10 days) the Commissioner of his September 19, 2019 plea of *nolo contendere* in the case State of Florida vs. Vazquez, Vincent Christopher, bearing number UCN 522019

MM002568000APC-H, Ref. No. 19-02568-MM-H, which was pending in the County Court of the Sixth Judicial Circuit of the State of Florida in and for Pinellas County.

BASED UPON careful consideration of the evidence, arguments presented at the hearing by ASD, and 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 North Carolina Department of Insurance (“NCDOI”) is a state agency responsible, in accordance with Chapter 58 of the North Carolina General Statutes, for the enforcement of the insurance laws of North Carolina and for regulating and licensing insurance producers.

2. Subsections (b) (d) and (e) of N.C. Gen. Stat. § 58-2-69 provide authority to the Commissioner to give notice to any licensee by sending such notices by first-class mail at the address or addresses that a licensee provides to the Commissioner pursuant to N. C. Gen. Stat. § 58-2-69(b). Respondent provided the following address to the Commissioner (*see* Petitioner’s Exhibits 1, 2, 2A-D, 3, and 3A):

VINCENT VAZQUEZ  
7245 BROADMORE DR., APT. 8  
NEW PORT RICHEY, FL 34653-4984

3. The Affidavit of Service indicates that copies of the Notice of Hearing and Petition were deposited in first-class mail addressed to Mr. Vazquez as indicated at the above address on November 13, 2023. Service of the Notice of the Hearing and the Petition at this address was perfected upon the expiration of four (4) days after November 13, 2023, or on **November 17, 2023**.<sup>1</sup> *See* Petitioner’s Exhibits 1, 1A, 2, and 2A-D.

4. Respondent Vincent Vazquez holds an active nonresident Insurance Producer License with lines of authority for both Accident & Health or Sickness, Life and Medicare Supplement/Long Term Care (“License”). Respondent’s License was first active in North Carolina on October 27, 2017. *See* Petitioner’s Exhibits 3 and 3A.

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<sup>1</sup> The Affidavit of Service (*see* Petitioner’s Exhibit 2) also indicates that copies of the Notice of Hearing and Petition were sent to Mr. Vazquez by depositing such copies in first-class mail to Respondent addressed to: 4833 Dogwood St. New Port Richey, Florida 34653. Miller testified that Respondent updated his address to: 4833 Dogwood St. New Port Richey, Florida 34653 with his home state of Florida, as reflected in the State Licensing Report of the National Association of Insurance Producers (“NAIC”) on October 27, 2022, but failed to update his 7245 Broadmoor Dr. Apt 8, New Port Richey, FL 34653-4984 address with NCDOI in violation of N.C. Gen. Stat. § 52-2-69(b). *See* Petitioner’s Exhibits 1, 1A, 2, 2A-D, 3, 3A, 4, and 4A. It should be noted that Respondent’s violation of N. C. Gen. Stat. § 52-2-69(b) for failure to update his address with the Department is not a basis for the revocation of Respondent’s license.



4. Miller is a Complaint Analyst with ASD and, as part of his job responsibilities, handles enforcement files for ASD. Enforcement files include responding to complaints and handling Personalized Information Capture System's Alerts ("PIC Alerts") received through the NAIC system. PIC Alerts are sent to NCDOJ by NAIC if another state enters the information into the system and takes Administrative Action against a North Carolina licensee. Miller was assigned the PIC Alert relating to Respondent, Vincent Vazquez, that was entered into the NAIC system by the Louisiana's Department of Insurance on June 25, 2022 ("Louisiana's First Administrative Action"). See Petitioner's Exhibits 5 and 5A. Miller handled the investigation of Petitioner's enforcement file from July of 2022 up until the date of the hearing.

5. Miller, during his investigation of the enforcement file relating to Louisiana's First Administrative Action, reviewed various documents relating to Respondent. These documents included Respondent's state-based system licensee summaries (see Petitioner's Exhibits 3 and 3A), Respondent's NAIC's state licensing reports (from Respondent's home state of Florida) from the Producer Database (see Petitioner's Exhibits 4 and 4A), Respondent's reports listed on the Regulatory Information Retrieval System ("RIRS") (see Petitioner's Exhibits 5 and 5A), and Respondent's uploads to Respondent's profile in the National Insurance Producer Registry ("NIPR") Attachment Warehouse. See Petitioner's Exhibits 6 and 6A. Miller testified that the Attachment Warehouse is a database used by states participating in the NAIC. The NIPR Attachment Warehouse electronically receives and stores data which is made available to members of the NAIC system including ASD complaint analysts from NCDOJ.

6. Miller, as part of his enforcement investigation relating to Mr. Vazquez, obtained a copy of Louisiana's First Administrative Action, effective on May 6, 2022. See Petitioner's Exhibit 7. This was an Administrative Action, as set forth in Exhibit 7 at p. 2, and such action was taken against Respondent's license when the Louisiana Department of Insurance issued to Respondent a Notice of Fine for Respondent's failure to make the required disclosures on his license application about his prior criminal history. See Petitioner's Exhibits 5 and 7.

7. On July 12, 2022, Miller reviewed Respondent's profile on NIPR's Attachment Warehouse to determine if Respondent had timely (within 30 days of the Administrative Action's effective date) uploaded to NIPR by and through the Attachment Warehouse portal Louisiana's First Administrative Action. See Petitioner's Exhibit 6. An upload of Louisiana's First Administrative Action to NIPR's Attachment Warehouse by Respondent would provide timely adequate notification to NCDOJ if it was done within 30 days of the Administrative Action's effective date. When reviewing Respondent's profile on the NIPR Attachment Warehouse on July 23, 2022, Miller noticed that Respondent had not uploaded Louisiana's First Administrative Action within thirty (30) days of the effective date



as required by N. C. Gen. Stat. § 58-33-32(k). See Petitioner's Exhibits 5, 6, 6A and 7. However, Miller did notice when reviewing the uploaded documents on Respondent's profile on NIPR's Attachment Warehouse that Respondent had uploaded Criminal Records indicating that Respondent had plead *nolo contendere* to a crime on September 19, 2019. This upload was done by Respondent (or someone on his behalf) on April 27, 2022. Miller testified this upload was untimely per N.C. Gen. Stat. § 58-2-69(c).

8. Miller contacted Respondent on July 13, 2022 by sending him correspondence to his electronic mail address of record and by mail to: 15500 Roosevelt Blvd., Ste 304, Clearwater, FL 33760-3490. See Petitioner's Exhibits 3, 3A, 4, 4A, and 8. This July 13, 2022 correspondence advised Respondent that NCDOI had been made aware of Louisiana's First Administrative Action taken by the Louisiana Department of Insurance with an effective date of May 6, 2022. Miller indicated that Louisiana's First Administrative Action had not yet been reported to NCDOI "...as is required." See Petitioner's Exhibit 8. Miller's July 13, 2022 correspondence (set forth in Petitioner's Exhibit 8) requested that Respondent provide a written response and documentation of Louisiana's First Administrative Action taken against his license within ten (10) days of July 13, 2022. Respondent did not respond to Miller's demands for documents and information.

9. Miller sent follow up correspondence to Respondent's electronic mail address of record ([vvazquez@ensurem.com](mailto:vvazquez@ensurem.com)) on July 28, 2022, noting that Respondent failed to provide the demanded documents or his written statement. See Petitioner's Exhibits 8 and 9. Miller's e-mail correspondence to Respondent on July 28, 2022 bounced back as undeliverable. See Petitioner's Exhibit 9, at p. 3. So on August 12, 2022, Miller sent this correspondence by mail addressed to Mr. Vazquez at: 7245 Broadmore Dr. Apt. 8, New Port Richey, FL, 34653<sup>2</sup> providing him with notice that unless documents and a written statement regarding the Louisiana Administrative Action were received within ten (10) days from the date of receipt, ASD would consider Respondent to be in violation of N.C. Gen. Stat. §§ 58-2-185 and 58-2-195, and that it may proceed with Administrative Action against his license here in North Carolina. *Id.* Respondent failed to provide the requested written documentation or his written statement to Miller.

10. On September 21, 2022, Miller sent correspondence to Respondent's personal email address ([vincentvazquez95@gmail.com](mailto:vincentvazquez95@gmail.com)) and mailed a copy of this correspondence to 15500 Roosevelt Blvd. Suite 304, Clearwater, Florida 33760-3490. See Petitioner's Exhibit 11. Miller's September 21, 2022 correspondence informed Respondent that since he failed to report Louisiana's First Administrative Action

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<sup>2</sup> This is the address that Respondent provided to the Commissioner per N.C. Gen. Stat. § 52-2-69(b).

within 30 days of the effective date, he appeared to be in violation of N.C. Gen. Stat. §§ 58-33-32(k) and 58-33-46(a)(2). This September 21, 2022 correspondence also informed Respondent that an Informal Telephonic Conference had been scheduled for October 18, 2022 at 2:00 p.m. to discuss these allegations further. *Id.*

11. Miller attended the Informal Conference with Respondent and his supervisor Nadine Scott on October 18, 2022 at 2:00 p.m. to further discuss the late reporting of Louisiana's First Administrative Action (the Notice of Fine). *Id.* At the Informal Conference, Miller and Scott, in addition to discussions about the requirement to report timely Louisiana's First Administrative Action, discussed Mr. Vazquez's failure to timely report criminal convictions as required by N.C. Gen. Stat. § 58-2-69(c).

12. Respondent did eventually report Louisiana's First Administrative Action effective May 6, 2022, *albeit* late, on September 12, 2022. This reporting was more than 30 days from the effective date of May 6, 2022 as required by N. C. Gen. Stat. § 52-33-32(k). *See* Petitioner's Exhibit 6A.

BASED UPON the foregoing Findings of Fact, the undersigned Hearing Officer makes the following:

### 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. Despite proper service of the Notice of Administrative Hearing and the Petition for Administrative Hearing upon Respondent in this matter pursuant to N. C. Gen. Stat. § 58-2-69 (b), (d), and (e), Respondent failed to attend the December 13, 2023 hearing. *See* Petitioner's Exhibits 1, 1A, 2, and 2A-D.

3. Pursuant to N. C. Gen. Stat. § 58-33-46(a)(2), one reason the Commissioner is justified to revoke a license issued by the Department of Insurance is for a violation of the insurance law of North Carolina. *See* Petitioner's Exhibits 1 and 1A.

4. N. C. Gen. Stat. § 58-33-32(k) is a North Carolina insurance law which requires an insurance producer to report to the Commissioner "any administrative action" taken against the producer by another state "within 30 days after the final disposition of the matter." Section 58-33-32(k) further specifies that this report "shall include a copy of the order or consent order and other information or documents filed in the proceeding necessary to describe the action."



5. Respondent violated the insurance law of North Carolina within the meaning of N.C. Gen. Stat. § 58-33-46(a)(2) by failing to report Louisiana's First Administrative Action, as required by N.C. Gen. Stat. § 58-33-32(k), within thirty (30) days of the final disposition.

6. N.C. Gen. Stat. § 58-2-69(c) states that: "[i]f a licensee is convicted in any court of competent jurisdiction for any crime or offense other than a motor vehicle infraction, the licensee shall notify the Commissioner in writing of the conviction within 10 days after the date of the conviction. As used in this subsection, "conviction" includes an adjudication of guilt, a plea of guilty, or a plea of *nolo contendere*. "includes an adjudication of guilt, a plea of guilty, or a plea of *nolo contendere*."

7. Respondent violated the insurance law of North Carolina within the meaning of N.C. Gen. Stat. § 58-33-46(a)(2) when Respondent failed to notify the Commissioner within ten (10) days of September 19, 2019 of Respondent's plea of *nolo contendere* to the misdemeanor charge/offense of possession of 20<gms Marijuana and of the Order withholding adjudication of guilt in the case of State of Florida vs. Vazquez, Vincent Christopher, bearing number UCN 522019MM002568000APC-H, Ref. No. 19-02568-MM-H, which was pending in the County Court of the Sixth Judicial Circuit of the State of Florida in and for Pinellas County, as required by N.C. Gen. Stat. § 58-2-69(c).

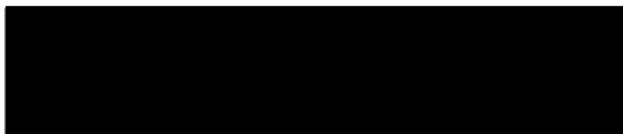
8. Based on the evidence received, and the applicable law, the undersigned Hearing Officer concludes that Respondent's North Carolina resident insurance producer license should be revoked under N.C. Gen. Stat. § 58-33-46(a)(2) for his violations of N.C. Gen. Stat. § 58-33-32(k) and N.C. Gen. Stat. § 58-2-69(c).

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

**ORDER**

It is ORDERED that Respondent's North Carolina Insurance Producer license is hereby REVOKED effective as of the date of signing of this Order.

This 16<sup>th</sup> day of January, 2024.



Terence D. Friedman  
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 Respondent at the addresses the licensee provided to the Commissioner pursuant to N.C. Gen. Stat. § 58-2-69(b), (d) and (e) addressed to:

VINCENT VAZQUEZ  
7245 BROADMORE DR., APT. 8  
NEW PORT RICHEY, FL 34653-4984  
(Respondent)

**Certified Mail Tracking Number:** 70222410000096625413

VINCENT VAZQUEZ  
15500 ROOSEVELT BLVD., SUITE 304  
CLEARWATER, FL 33760-3490  
(Respondent)

**Certified Mail Tracking Number:** 70222410000096625567

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 an alternative address provided by Respondent as reported on Respondent's State Licensing Florida Report from NAIC as follows:

VINCENT VAZQUEZ  
4833 DOGWOOD ST.  
NEW PORT RICHEY, FL 34653  
(Respondent)

**Certified Mail Tracking Number:** 70222410000096625598

I **HEREBY CERTIFY** that I have this day served a courtesy copy of the foregoing **ORDER and FINAL AGENCY DECISION** by emailing to the Respondent as follows:

VINCENT VAZQUEZ  
[vincentvazquez95@gmail.com](mailto:vincentvazquez95@gmail.com)  
(Respondent)

I **HEREBY CERTIFY** that I have this day served a copy of the foregoing **ORDER and FINAL AGENCY DECISION** via State Courier to Attorney for Petitioner addressed as follows:

Gina M. Von Oehsen Cleary  
Special Deputy Attorney General  
N.C. Department of Justice  
Insurance Section  
9001 Mail Service Center  
Raleigh, NC 27699-9001  
(Attorney for Petitioner)

This the 17<sup>th</sup> day of January, 2024



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