STATE OF OREGON
DEPARTMENT OF CONSUMER AND BUSINESS SERVICES
DIVISION OF FINANCIAL REGULATION

In the Matter of:	Case No. INS-26-0025
JAMES ZITO Respondent.	**FINAL ORDER TO CEASE AND DESIST AND FINAL ORDER ALLOWING SURRENDER OF NON-RESIDENT INSURANCE PRODUCER LICENSE, ENTERED BY CONSENT**

The Director of the Department of Consumer and Business Services for the State of Oregon ("Director"), acting by and through the Division of Financial Regulation ("Division"), and in accordance with Oregon Revised Statutes ("ORS") chapters 731, 732, 733, 734, 735, 737, 742, 743, 743A, 743B, 744, 746, 748 and 750 ("Insurance Code") has conducted an investigation of the non-resident insurance producer license of activities of James Zito ("Zito").

Zito wishes to resolve this matter with the Director and agrees to surrender his Oregon non-resident insurance producer license.

Now, therefore, as evidenced by the signature subscribed herein, Zito hereby CONSENTS to the entry of this Order.

The Director hereby issues the following Findings of Fact, Conclusions of Law, and Orders.

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350 Winter Street NE, Suite 410
Salem, OR 97301-3881
Telephone: (503) 378-4387

FINDINGS OF FACT

The Director FINDS that:

1. Zito is a resident of the state of Florida whose last known business address is 1191 E Newport Center Dr. Ste. 206, Deerfield Beach, FL 33442 ("Business Address").

2. Zito's National Association of Insurance Commissioners (NAIC) National Producer Number (NPN) is 8878606 and he has been licensed in Oregon as a non-

resident individual insurance producer since March 21, 2018.

3. On May 22, 2025, the Division received a complaint from Oregon consumer NC[1] who alleged that he had attempted to terminate his health insurance in March 2023 but that the coverage remained in place without NC's knowledge. After an investigation, the Division determined that Zito was the downline agent who had worked with, and written, the policy for NC.

4. On July 14, 2025, the Division, acting on behalf of the Director, sent a letter ("Initial Request Letter") to Zito at his Business Address and to Zito's residence address listed with the NAIC ("Residence Address"), together with a copy of NC's complaint with the Division. The Initial Request Letter requested that Zito provide the Division with a response that addressed each issue raised in NC complaint within 21 days and to provide any other relevant documents related to the complaint. Neither first class mailing of the Initial Request Letter was returned to the Division and the green card for the certified mailing to Zito's Business Address was signed for by "James," however, the green card to Zito's residence was returned unclaimed.

5. The Division did not receive a response from Zito and so on September 29, 2025, the Division sent an email with a copy of the Initial Request Letter to Zito at the email address listed with the NAIC, insurancecarenow@gmail.com, as well as to the email address provided to the Division by Zito's former employer, james@nerdinsure.com, and requested that Zito promptly respond to the request.

6. Zito, however, did not respond to the Division's September 29, 2025 emails, and on October 13, 2025, the Division called and left a voicemail for Zito at the telephone number listed with the NAIC and sent another email to Zito advising him that the Division had not received the required response to NC's complaint.

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[1] Complainant's initials are used to protect the privacy of the complainant.

7. That day, Zito responded by email, stating that he had been out of work recovering from a health issue and that he had "all the original documentation regarding [NC's] initial enrollment, including signed Docusign documents as well as email correspondence with [NC]" but was still looking for the enrollment renewal that Zito believed was done via text message.

8. On October 14, 2025, Zito sent an email to the Division stating that he "[s]hould have this for your [*sic*] by the end of the week. Thanks for your patience! We are not in business anymore, and haven't been since 2024."

9. The Division did not receive anything from Zito by the end of that week and on October 23, 2025, the Division again sent an email requesting his response. On the following day, Zito stated "You will have it. Sorry again."

10. On October 27, 2025, Zito provided some documentation, including the original enrollment agreement and an email exchange with NC, with Zito representing to the Division that "[t]his is the original email conversation [NC] had with one of our customer service reps, and the other is the original docusign that [NC] signed, going over everything that he agreed to and was discussed, including all disclosures. I will send you another email today with the other information you asked for."

11. The Division did not receive another email from Zito on October 27, 2025, or afterward and so on December 4, 2025, the Division emailed Zito to see when the promised response and information would be provided.

12. Having received no response, on December 10, 2025, the Division sent an email to Zito at the email he had previously responded from, james@nerdinsure.com, informing him that as "a result of your failure to respond, the Division has opened an investigation. Pursuant to Oregon Revised Statute (ORS) 731.296, Director's Inquiry, you are required to respond and provide the following information and documents." ("Investigation Inquiry"). This request sought information and documentation that Zito

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had not provided to the Division concerning Zito's involvement with NC and information concerning the Division's investigation, including requesting that Zito "provide a complete response to the consumer's complaint" and "all call recordings, emails and text messages or any other written correspondence" between Zito and NC, and "all enrollment documentation related to [NC]." The deadline given to respond to this inquiry was January 9, 2026, however, Zito failed to respond to the inquiry.

13. On January 12, 2026, after receiving no response, the Division sent the Investigation Inquiry to Zito via first class and certified mail to Zito's Residence Address and Business Address and requested that Zito provide a response to the Division no later than February 9, 2026.

14. Zito failed to provide any response to either Investigation Inquiry and on February 11, 2026, the Division sent the Investigation Inquiry to the email address listed with the NAIC, insurancecarenow@gmail.com, and requested that Zito provide a response to the Division by March 11, 2026.

15. On March 19, 2026, after receiving no response from Zito, the Division called the residential phone number for Zito from the NAIC records but was unable to leave a message as the voicemail inbox was full. On the same day, the Division called the business number identified in NAIC and the person answering the phone identified the business as "Insurance Care Now" and informed the Division that Zito was unavailable. The Division left a message for Zito with the individual and advised that Zito needed to respond to the messages from the Division.

16. The Division had not received any phone calls, emails, letters, or other communications from Zito since his October 27, 2025 email, until the Division issued an administrative order against Zito for the above-described failures to respond.

17. Until February 9, 2026, Zito held an appointment with UnitedHealthcare Insurance Company ("UnitedHealthcare").

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18. On or about February 19, 2026, the Division received notice from UnitedHealthcare that Zito's appointment had been terminated. The stated reason for Zito's termination was "[s]uspicious and potentially fraudulent enrollment activity."

CONCLUSIONS OF LAW

The Director CONCLUDES that:

19. The Director has jurisdiction over Zito's activity as a licensee pursuant to ORS 731.304.

20. As required by ORS 731.296, a licensee must "promptly and truthfully reply" to inquiries from the Director concerning "its activities or condition or any other matter connected with its transactions."

21. By failing to respond to the proper inquiries from the Director as described in paragraphs 4-6, 9, and 11-16, Zito violated ORS 731.296.

22. ORS 744.074(1)(b) allows the Director to "place a licensee on probation or suspend, revoke or refuse to issue or renew an insurance producer license and may take other actions authorized by the Insurance Code in lieu thereof or in addition thereto" for "[v]iolating any insurance laws."

23. Because Zito engaged in the foregoing violations of ORS 731.296, the Director may revoke Zito's non-resident insurance producer license pursuant to ORS 744.074(1)(b).

24. Under ORS 731.252(1), whenever the Director has reason to believe that any person has been engaged in or is engaging or is about to engage in any violation of the Insurance Code, the Director may issue an order, directed to such person, to discontinue or desist from such violation or threatened violation.

25. Because the Director has reason to believe that Zito has violated ORS 731.296 of the Insurance Code, the Director may issue an order directed to Zito to discontinue or desist from that violation.

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ORDERS

Now therefore, the Director issues the following Orders:

Order to Cease and Desist

26. Pursuant to the authority of ORS 731.252(1), the Director hereby orders Zito to CEASE AND DESIST from violating ORS 731.296.

Order Accepting Surrender of License

27. Zito agrees to voluntarily surrender his Oregon non-resident insurance producer license in lieu of the Director revoking his license.

28. Zito agrees that he will not reapply for an insurance producer license in Oregon for a period of five years, commencing from the date the Division signs this Order.

FINAL ORDER

29. This Order is a "Final Order" under ORS 183.310(6)(b). Subject to that provision, the entry of this Order does not limit other remedies that are available to the Director under Oregon law.

SO ORDERED this 29th day of October, 2026

SEAN E. O'DAY, Director
Department of Consumer and Business Services

/s/ Dorothy Bean

Dorothy Bean, Chief of Enforcement
Division of Financial Regulation

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CONSENT TO ENTRY OF ORDER

I, James Zito, have read the foregoing Order, and I know and fully understand the contents hereof. I have been advised of the right to a hearing and the right to be represented by counsel in this matter. I voluntarily consent to the entry of this Order with no force or duress, expressly waiving any right to a hearing in this matter and any rights to administrative or judicial review of this Order. I understand that the Director reserves the right to take further action to enforce this Order or to take action upon discovery of other violations of the Oregon Insurance Code. I agree to comply with the terms and conditions stated herein.

I understand that this Order is a public document.

Signature /s/ James Zito
Name: **James Zito**

ACKNOWLEDGMENT

State of Florida

County of Palm Beach

Signed or attested before me on the 27th of October, 2026

/s/ Ruth Aris

Notary Public

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