

TIME RECEIVED
December 22, 2015 9:54:05 AM EST

REMOTE CSID

DURATION
527

PAGES
21

STATUS
Received

12/22/2015 08:45

(FAX)

P.001/033

31 ~~pages~~ Attached

SC Admission Office

December 21, 2015

To: South Carolina Governor, Nikki R. Haley - fax to (803) 734-5167 31 pages total.

CC: rfarmer@doj.sc.gov; bduncan@doj.sc.gov; abourgoin@doj.sc.gov - email only.

My name is Pedro J. Montufar, this letter is written in regards to practices that I find are discriminatory by the South Carolina Department of Insurance (SC DOI) and, egregious misconduct by a state agency. All copies of email correspondence that prove this fact are attached. I am notifying you first, prior to contacting an attorney to get this issue resolved.

The I-9 form is The Employment Eligibility Verification form which is used by the U.S. Citizenship and Immigration Services (USCIS). It is used by an employer to verify an employee's identity and to establish that the worker is eligible to accept employment in the United States.

I provided to the manager of licensing, Andrea Bourgoin, all the documents required based on the I-9 form. When Ms. Bourgoin decided not to authorize issuance of my SC license, at first I thought she made a mistake. I invited Ms. Bourgoin, in writing, to check with SC DOI Human Resources Department to confirm that my TX DL and SSC in fact are acceptable documents that establish my identify and employment authorization. Ms. Bourgoin wrote back on December 10, 2015 at 4:24 p.m. "I did review all documentation provided. The list of acceptable documents did indicate that the social security card would be accepted if it indicated that the individual was authorized to work. Perhaps the card did indicate this, but due to multiple submissions, it was no longer legible. If the card does indicate this, please resubmit and I will gladly proceed with issuing Mr. Montufar's license."

My response to her is that she was misreading Section C of the I-9 form as what it states:

List C. 1. A Social Security Account Number card, unless the card includes one of the following restrictions: (1) NOT VALID FOR EMPLOYMENT (2) VALID ONLY FOR WORK ONLY WITH INS AUTHORIZATION (3) VALID FOR WORK ONLY WITH DHS AUTHORIZATION. My SSC does not have any of these restrictions and I notified Ms. Bourgoin that she had misread or misunderstood List C of the I-9 Form.

Andrea Bourgoin decided to demand an additional document that was irrelevant, after I've provided my TX Driver's License (TX DL) and copy of my Social Security card (SSC).

Ms. Bourgoin asked for additional documentation beyond what was needed for in the I-9 form; considering I provided what was needed as stated in the paragraph above. Although it is not required, I complied. However, let it be known that that is not in Andrea Bourgoin's authority, she chose to override what is required for a Federal Form.

I forwarded a copy of my permanent resident alien card. Yes, my permanent resident alien card is expired, however, once you are a permanent resident, that status does not change. A permanent resident has all the legal rights of a U.S. Citizen except for Voting. Only the card expires, not your permanent resident status. The self-check on the United States Immigration Services website, which I provided to Ms. Bourgoin, states that I am eligible to work in the United States.

Andrea Bourgoin's response was that she would need to run it by legal department. I thought it was odd, but I did not think much about it as I figured it is an internal formality; besides, attorneys are generally well versed and reading legal documents is their forte.

With all of that communication, plus a telephone call from the Asst Deputy Director Ben Duncan on Friday afternoon, the SC DOI has refused to provide me an adjuster's license.

I have proved I'm eligible to work in the United States. If my last name were Smith or Jones, this situation would not have occurred. If I had incorrectly marked US Citizen this would not have occurred. Therefore this is a discriminatory practice, abuse of power by your management. If Ms. Bourgoin had in fact communicated

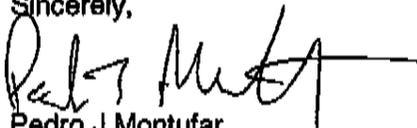
29+1 *PM*

with your SC DOI legal department, you would be aware that what is being practiced is discrimination by definition; an egregious misconduct by a State Agency.

My employment requires me to be licensed in multiple states, which I am and South Carolina is another state that my employer requires me to be licensed in. What has been engaged here is putting my employment and future employment in jeopardy.

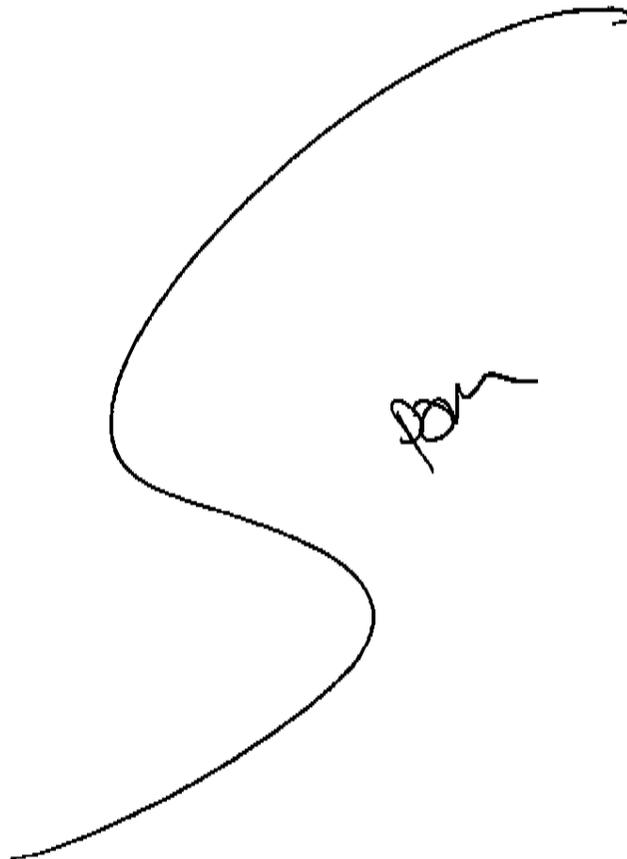
My point in writing this letter is that your agency will recognize the stress this discrimination has caused me and my family. That my license will be issued as required based on the documentation that is legally required. Also, that your files are audited, I doubt this is an isolated incident. Also, that your staff is properly trained in reading and I-9 form. As I wrote above, all the email correspondence is attached and I am notifying all the relevant parties in writing prior to contacting an attorney.

Sincerely,



Pedro J Montufar
Claims Adjuster
The Littleton Group
P.O. Box 163627
Austin, TX 78716

(512) 576-1044 Cell



29+2 Pan

Pedro Montufar

From: Pedro Montufar
Sent: Friday, December 18, 2015 2:29 PM
To: 'SCDOI Agents Licensure Mailbox'
Subject: RE: Montufar-Licenses

Have Deputy Director of Licensing call me at 512-576-1044

From: SCDOI Agents Licensure Mailbox [mailto:agntmail@doi.sc.gov]
Sent: Friday, December 18, 2015 2:18 PM
To: Pedro Montufar <pmontufar@littletongroup.com>
Subject: RE: Montufar-Licenses

Mr. Montufar,

Please provide a phone number for myself and the Deputy Director of Licensing to contact you.

Andrea Bourgoïn, CISR
Manager of Licensing and Education Services
abourgoïn@doi.sc.gov
803-737-5757

South Carolina Department of Insurance
Mailing Address
P.O. Box 100105
Columbia SC 29202

Street Address
1201 Main Street, Suite 1000
Columbia SC 29201

From: Pedro Montufar [mailto:pmontufar@littletongroup.com]
Sent: Friday, December 18, 2015 12:45 PM
To: SCDOI Agents Licensure Mailbox <agntmail@doi.sc.gov>
Subject: RE: Montufar-Licenses

I need to speak to whoever supervises you. Please provide name, telephone number and email. Clearly, you have made up your mind that the only way I will get a SC DOI license is by providing an unexpired green card, work authorization, or permanent resident card (Permanent Resident Card and Green Card are the same thing)

It's not your job to provide me a SC DOI license based on your opinion; you leave that at home. As to why I have let my Permanent Green Card expire is none of your business. You MUST provide SC DOI license based on what I'm legally required to provide as proof that I'm eligible to work in the United States, which I've already done and have actually gone above and beyond.

From: SCDOI Agents Licensure Mailbox [mailto:agntmail@doi.sc.gov]
Sent: Friday, December 18, 2015 11:08 AM

To: Pedro Montufar <pmontufar@littletongroup.com>
Subject: RE: Montufar-Licenses

Mr. Montufar,

We will be more than happy to issue your SC non-resident license if you will provide our office with an unexpired green card, work authorization, or permanent resident card. The card you previously sent to our office expired in 2010. You may attach the card to this email.

Andrea Bourgoïn, CISR
Manager of Licensing and Education Services
abourgoïn@doi.sc.gov
803-737-5757

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Street Address
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Columbia SC 29201

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Sent: Friday, December 18, 2015 9:51 AM
To: SCDOI Agents Licensure Mailbox <agntmail@doi.sc.gov>
Subject: FW: Montufar-Licenses

I still need attorney's & HR person's name. thanks.

From: Pedro Montufar
Sent: Thursday, December 17, 2015 12:19 PM
To: 'SCDOI Agents Licensure Mailbox' <agntmail@doi.sc.gov>
Subject: RE: Montufar-Licenses

I will also need name of H.R. person and attorney in legal department.

Thanks.

From: SCDOI Agents Licensure Mailbox [<mailto:agntmail@doi.sc.gov>]
Sent: Thursday, December 17, 2015 10:26 AM
To: Pedro Montufar <pmontufar@littletongroup.com>
Subject: RE: Montufar-Licenses

Mr. Montufar,

I have been the one responding to your emails. I have been in direct communication with both our legal division and our HR department.

Andrea Bourgoïn, CISR
Manager of Licensing and Education Services

Pedro Montufar

From: Pedro Montufar
Sent: Friday, December 18, 2015 11:14 AM
To: 'SCDOI Agents Licensure Mailbox'
Subject: RE: Montufar-Licenses

I just sent you attachments from the selfcheck.USCIS.gov website, date stamped today, confirming I'm eligible to work!!!!

From: SCDOI Agents Licensure Mailbox [mailto:agntmail@doi.sc.gov]
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From: Pedro Montufar [<mailto:pmontufar@littletongroup.com>]
Sent: Thursday, December 17, 2015 10:31 AM
To: SCDOI Agents Licensure Mailbox <agntmail@doi.sc.gov>
Subject: RE: Montufar-Licenses

SCDOI just fails to understand what I've told you, what I suggested you check on and continue to discriminate considering I've submitted all documentation I'm legally required to provide. It is clear that whoever is at the end of agntmail@doi.sc.gov has failed to check with direct supervisor/manager or even H.R. as I previously recommended and continues to cause discrimination issues that are detrimental to SC DOI. Who is your supervisor or manager for licensing? Please provide name, email and phone number. Please respond today. Thanks.

From: SCDOI Agents Licensure Mailbox [<mailto:agntmail@doi.sc.gov>]
Sent: Thursday, December 17, 2015 9:05 AM
To: Pedro Montufar <pmontufar@littletongroup.com>
Subject: RE: Montufar-Licenses

Mr. Montufar,

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Mailing Address
P.O. Box 100105
Columbia SC 29202

Street Address
1201 Main Street, Suite 1000
Columbia SC 29201

From: Pedro Montufar [<mailto:pmontufar@littletongroup.com>]
Sent: Wednesday, December 16, 2015 9:00 AM
To: SCDOI Agents Licensure Mailbox <agntmail@doi.sc.gov>; Sarah Bevins <sarah.bevins@xenarios.net>
Subject: RE: Montufar-Licenses

I don't know where SCDOI is getting this misinformation that the receipt "extended your status for one year?" Where did SCDOI get this from? If SCDOI reads the Form correctly, it clearly states it is for a biometrics appointment for APPLICATION TO REPLACE PERMANENT RESIDENT CARD.

SCDOI has now entered into discrimination territory even though I suggested they check with their own H.R. department. First, SCDOI purposely misread by stating "The list of acceptable documents did indicate that the social security card would be accepted if it indicated that the individual was authorized to work." I replied that it was misread as that is not what list of acceptable documents states. Now SCDOI is pulling stuff out of the air that my "status is extended for one year" - Since when did SCDOI become an arm of the U.S. Citizenship and Immigration Services department?

I'm a LAWFUL PERMANENT U.S. resident. All benefits that a U.S. Citizen has, I have as well, with the exception of the right to vote. My so called GREEN CARD clearly states PERMANENT RESIDENT CARD. My Social Security card does not contain ANY RESTRICTIONS. Do you really think the U.S. Citizenship and Immigration Services would provide a green card stamped PERMANENT RESIDENT CARD when that is not the case?

I could have stated I'm a U.S. Citizen from the beginning and SCDOI would be none the wiser. But I choose to be honest and for my troubles I get discriminated against. What needs to be decided is whether the discrimination is due to my Latino name or merely ignorance based.

I've provided all I'm required to provide.

p.s. Sarah Bevins, sorry you are in the middle of this, but you have done nothing wrong. I have all emails that we have sent to SCDOI; however, I'm asking to retain yours. Thank you!

From: SCDOI Agents Licensure Mailbox [<mailto:agntmail@doi.sc.gov>]
Sent: Monday, December 14, 2015 7:24 AM
To: Sarah Bevins <sarah.bevins@xenarios.net>; SCDOI Agents Licensure Mailbox <agntmail@doi.sc.gov>
Cc: Pedro Montufar <pmontufar@littletongroup.com>
Subject: RE: Montufar-Licenses

One of the documents you submitted indicated that you had an appointment 9-24-15 at 1:00 pm for the replacement card. From that appointment, you should have received a receipt that indicated the receipt extended your status for one year, until you received the new card in the mail. Could you please attach that receipt?

South Carolina Department of Insurance
Mailing Address
P.O. Box 100105
Columbia SC 29202

Street Address
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Columbia SC 29201

From: Sarah Bevins [<mailto:sarah.bevins@xeneros.net>]
Sent: Friday, December 11, 2015 11:51 AM
To: SCDOI Agents Licensure Mailbox <agntmail@doi.sc.gov>
Cc: pmontufar@littletongroup.com
Subject: RE: Montufar-Licenses

As requested, the documents have been Attached. Please advise once a decision has been made.

Thank you

Sarah Bevins

Xeneros, LLC | Compliance Coordinator
PO Box 2110
Noblesville, IN 46061-2110
e: sarah.bevins@xeneros.net
p: 317.776.1635
w: www.xeneros.net

From: SCDOI Agents Licensure Mailbox [<mailto:agntmail@doi.sc.gov>]
Sent: Friday, December 11, 2015 11:20 AM
To: Sarah Bevins
Subject: RE: Montufar-Licenses

Please resubmit all documentation as I will have to go to our legal division regarding his file.

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Mailing Address
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Subject: FW: Montufar-Licenses

6 PJM

Pedro Montufar

From: Pedro Montufar
Sent: Friday, December 18, 2015 8:51 AM
To: 'SCDOI Agents Licensure Mailbox'
Subject: FW: Montufar-Licenses
Attachments: USCIS Account confirmation and Work Authorization Confirmed.pdf; Case History.PNG

I still need attorney's & HR person's name. thanks.

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- Self Check Home
- About Self Check
- How To Use Self Check
- Know Your Rights
- Our Commitment To Privacy
- Questions and Answers
- For Employers
- Cancel Self Check



Review and Confirm the Information Provided

Please review the information below before continuing. If there are any errors, please click the Edit Information button to edit the information.

Name: Pedro J Montufar

Date Of Birth: April 14, 1966

Social Security Number: 573-69-6288

Address: 3534 Shiraz Loop
Round Rock, TX 78665

8 PM



- Self Check Home
- About Self Check
- How To Use Self Check
- Know Your Rights
- Our Commitment To Privacy
- Questions and Answers
- For Employers

ESTABLISH IDENTITY

CONFIRM WORK ELIGIBILITY



Work Authorization Confirmed

Pedro,

Congratulations, Self Check confirmed that you are eligible to work in the United States. For more information on how we were able to confirm your work eligibility, click the link below.

[Learn how we were able to confirm your work eligibility](#)

Create a myE-Verify Account

myE-Verify is a free, Web-based suite of services that gives you the ability to understand and control when and how your information is used in E-Verify for employment eligibility verification.

Available Now!

Case History

See past use of your Social Security number in E-Verify

9 PM

SCDOI just fails to understand what I've told you, what I suggested you check on and continue to discriminate considering I've submitted all documentation I'm legally required to provide. It is clear that whoever is at the end of agntmail@doj.sc.gov has failed to check with direct supervisor/manager or even H.R. as I previously recommended and continues to cause discrimination issues that are detrimental to SC DOI. Who is your supervisor or manager for licensing? Please provide name, email and phone number. Please respond today. Thanks.

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Subject: RE: Montufar-Licenses

As requested, the documents have been Attached. Please advise once a decision has been made.

Thank you

Sarah Bevins

Xeneros, LLC | Compliance Coordinator
PO Box 2110
Noblesville, IN 46061-2110
e: sarah.bevins@xeneros.net
p: 317.776.1635
w: www.xeneros.net

Pedro Montufar

From: Sarah Bevins <sarah.bevins@xeneros.net>
Sent: Friday, December 11, 2015 10:51 AM
To: SCDOI Agents Licensure Mailbox
Cc: Pedro Montufar
Subject: RE: Montufar-Licenses
Attachments: Montufar-Permanent Resident Card.pdf; Work Federal Acceptable Documents-Montufar.pdf; front of SSN-Montufar.pdf; back of SSN-Montufar.pdf; TX Driver's license-Montufar.pdf

As requested, the documents have been Attached. Please advise once a decision has been made.

Thank you

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PO Box 2110
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Subject: FW: Montufar-Licenses

Could I please get a status on this individual?

Sarah Bevins

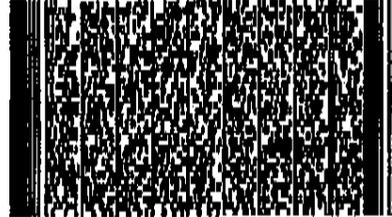
Department of Homeland Security
U.S. Citizenship and Immigration Services

Form I-797C, Notice of Action

THIS NOTICE DOES NOT GRANT ANY IMMIGRATION STATUS OR BENEFIT.

ASC Appointment Notice		APPLICATION/PETITION/REQUEST NUMBER IOB0259493040		NOTICE DATE 09/05/2015
CASE TYPE I90 - APPLICATION TO REPLACE PERMANENT RESIDENT CARD	SOCIAL SECURITY NUMBER	USCIS# A024 217 797	CODE 3	
ACCOUNT NUMBER 000355589436	TCR	SERVICE CENTER NBC	PAGE 1 of 1	

PEDRO JOSE MONTUFAR CHACON
c/o PEDRO JOSE MONTUFAR CHACON
3534 SHIRAZ LOOP
ROUND ROCK TX 78665-6310



To process your application, petition, or request, the U. S. Citizenship & Immigration Services (USCIS) must capture your biometrics. **PLEASE APPEAR AT THE BELOW APPLICATION SUPPORT CENTER AT THE DATE AND TIME SPECIFIED. IF YOU FAIL TO APPEAR AS SCHEDULED, YOUR APPLICATION, PETITION, OR REQUEST WILL BE CONSIDERED ABANDONED AND DENIED.**

APPLICATION SUPPORT CENTER
USCIS AUSTIN
11301 Lakeline Blvd Parkline Plaza Ctr. Ste 150
AUSTIN TX 78717

PLEASE READ THIS ENTIRE NOTICE CAREFULLY.
DATE AND TIME OF APPOINTMENT
09/24/2015
01:00PM

WHEN YOU GO TO THE APPLICATION SUPPORT CENTER TO HAVE YOUR BIOMETRICS TAKEN, YOU MUST BRING:

- 1. THIS APPOINTMENT NOTICE** and
 - 2. VALID PHOTO IDENTIFICATION.** You must bring your Permanent Resident Card/Resident Alien Card, unless it has been lost/stolen, in which case you may bring a passport, driver's license, military ID, State-issued photo ID, or other government-issued identification document that contains your name, date of birth, photograph, and signature. If you appear without proper identification, you may be unable to complete your appointment.
 - 3. CHANGE OF INFORMATION.** If your name has changed since the issuance of your Permanent Resident Card, then you must bring evidence to support the name change (e.g., birth certificate, marriage certificate, or applicable court document) at the time of your appointment.
- CELL PHONES, CAMERAS, OR OTHER RECORDING DEVICES ARE NOT PERMITTED.**

NOTE: When you appear at the USCIS Application Support Center, you will reaffirm, under penalty of perjury, that you reviewed and understood your application, petition, or request and all supporting documents, that the answers were provided by you, and that the contents of your application, petition, or request are complete, true, and correct. If you were assisted in completing your application, petition, or request, you will be reaffirming that the person assisting you also reviewed the Acknowledgement of Appointment at USCIS Application Support Center with you.

NOTE: If the USCIS ASC is closed due to inclement weather or for other unforeseen circumstances, USCIS will automatically reschedule your appointment for the next available appointment date and mail you a notice with the new date and time.

REQUEST FOR RESCHEDULING

- Please reschedule my appointment. Once USCIS receives your request, you will be sent a new appointment notice. Make a copy of this notice for your records, then mail the original with your request to BPU, Alexandria ASC, Suite 100, 8850 Richmond Hwy, Alexandria, VA 22309-1586

REQUEST FOR SPECIAL HANDLING

- I am unable to appear in-person at my ASC appointment due to severe medical limitations. If you cannot travel to your ASC appointment due to severe medical limitations, you must request a waiver of the biometrics requirement in writing. Your request must contain a copy of this appointment notice, a copy of your photo identification as described above, a description of your medical condition(s) along with supporting documents; two passport-style photographs; and police clearance letters from every place of residence since you received your last Permanent Resident Card. Please mail your request to: National Benefits Center, ATTN: I-90 Special Handling, 850 NW Chipman Road, Suite 5000, Lee's Summit, MO 64063

APPLICATION NUMBER
I90 - IOB0259493040



If you have any questions regarding this notice, please call 1-800-375-8283.

WARNING: Due to limited seating availability in our lobby area, only persons who are necessary to assist with transportation or completing the biometrics workshar should accompany you. If you have open wounds or bandages/casts when you appear, the USCIS may reschedule your appointment if it is determined your injuries will interfere with taking your biometrics.

LISTS OF ACCEPTABLE DOCUMENTS
All documents must be UNEXPIRED

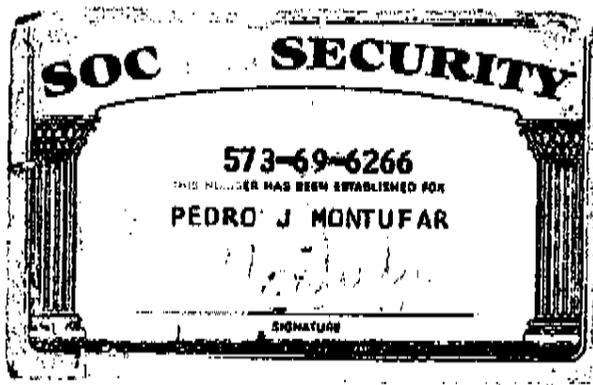
Employees may present one selection from List A
 or a combination of one selection from List B and one selection from List C.

LIST A Documents that Establish Both Identity and Employment Authorization	LIST B Documents that Establish Identity	LIST C Documents that Establish Employment Authorization
<ol style="list-style-type: none"> 1. U.S. Passport or U.S. Passport Card 2. Permanent Resident Card or Alien Registration Receipt Card (Form I-851) 3. Foreign passport that contains a temporary I-551 stamp or temporary I-551 printed notation on a machine-readable immigrant visa 4. Employment Authorization Document that contains a photograph (Form I-766) 5. For a nonimmigrant alien authorized to work for a specific employer because of his or her status: <ol style="list-style-type: none"> a. Foreign passport; and b. Form I-94 or Form I-94A that has the following: <ol style="list-style-type: none"> (1) The same name as the passport; and (2) An endorsement of the alien's nonimmigrant status as long as that period of endorsement has not yet expired and the proposed employment is not in conflict with any restrictions or limitations identified on the form. 6. Passport from the Federated States of Micronesia (FSM) or the Republic of the Marshall Islands (RMI) with Form I-94 or Form I-94A indicating nonimmigrant admission under the Compact of Free Association Between the United States and the FSM or RMI 	<ol style="list-style-type: none"> 1. Driver's license or ID card issued by a State or outlying possession of the United States provided it contains a photograph or information such as name, date of birth, gender, height, eye color, and address 2. ID card issued by federal, state or local government agencies or entities, provided it contains a photograph or information such as name, date of birth, gender, height, eye color, and address 3. School ID card with a photograph 4. Voter's registration card 5. U.S. Military card or draft record 6. Military dependent's ID card 7. U.S. Coast Guard Merchant Mariner Card 8. Native American tribal document 9. Driver's license issued by a Canadian government authority <p align="center">For persons under age 18 who are unable to present a document listed above:</p> <ol style="list-style-type: none"> 10. School record or report card 11. Clinic, doctor, or hospital record 12. Day-care or nursery school record 	<ol style="list-style-type: none"> 1. A Social Security Account Number card, unless the card includes one of the following restrictions: <ol style="list-style-type: none"> (1) NOT VALID FOR EMPLOYMENT (2) VALID FOR WORK ONLY WITH INS AUTHORIZATION (3) VALID FOR WORK ONLY WITH DHS AUTHORIZATION 2. Certification of Birth Abroad issued by the Department of State (Form FS-545) 3. Certification of Report of Birth issued by the Department of State (Form DS-1350) 4. Original or certified copy of birth certificate issued by a State, county, municipal authority, or territory of the United States bearing an official seal 5. Native American tribal document 6. U.S. Citizen ID Card (Form I-187) 7. Identification Card for Use of Resident Citizen in the United States (Form I-179) 8. Employment authorization document issued by the Department of Homeland Security

Illustrations of many of these documents appear in Part 8 of the Handbook for Employers (M-274).

Refer to Section 2 of the instructions, titled "Employer or Authorized Representative Review and Verification," for more information about acceptable receipts.

16 p2m



17 PM

contact any social security office immediately if you.

- ▶ lose your card--to get a duplicate card.
- ▶ change your name--to get a card in your new name.
- ▶ are unable to work because of a severe disability expected to last a year or more.
- ▶ are 62 or older--to ask about retirement checks.
- ▶ are within 2 or 3 months of age 65, even if you don't plan to retire--to sign up for Medicare.

Department of Health and Human Services
Social Security Administration
Form OA-702 (4-81)