

**NORTH CAROLINA DEPARTMENT OF INSURANCE
RALEIGH, NORTH CAROLINA**

**STATE OF NORTH CAROLINA
COUNTY OF WAKE**

**BEFORE THE COMMISSIONER
OF INSURANCE
Docket Number: D-1867**

**IN THE MATTER OF
THE LICENSURE OF:**

**ORDER AND FINAL AGENCY
DECISION**

**GAHAN SHAREI ADAMS
NPN # 0017218417**

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This matter was heard on November 8, 2017 by the undersigned Hearing Officer, as designated by the Commissioner of Insurance, pursuant to North Carolina General Statutes §§ 58-2-50, 58-2-55, 58-2-70, 58-33-30, 58-33-31, 58-33-46, 150B-38, 150B-39, 150B-40 and 11 NCAC 1.0401 *et seq.* and other applicable statutes and regulations. Petitioner, the North Carolina Department of Insurance [“the Department”], was represented by Assistant Attorney General Anne Goco Kirby. Respondent did not appear at the hearing. The Department called Tommy Walls to testify.

Based upon careful consideration of the sworn testimony of Tommy Walls presented at the hearing and the entire record in this proceeding, the Undersigned makes the following Findings of Fact and Conclusions of Law:

FINDINGS OF FACT

1. The General Assembly of North Carolina has delegated to the Commissioner of Insurance and the Department the authority and responsibility for the enforcement of Chapter 58 of the North Carolina General Statutes, including regulating and licensing insurance agents under Article 33 of that Chapter.
2. Respondent is a citizen and resident of Akron, Ohio.
3. Respondent was duly served with the Notice of Administrative Hearing in this matter on October 18, 2017 by Federal Express at the address on file with the Department.
4. Respondent holds nonresident Property and Casualty licenses first issued by the Department on March 24, 2014.

11. Respondent did not respond to the Department's December 29, 2016 request. Thus, on January 12, 2017, the Department sent a second e-mail and letter to Respondent which requested that she respond to the Department's request within 10 days. Respondent did not respond to the Department's January 12, 2017 follow up request.

12. On February 3, 2017, the Department e-mailed and mailed a letter to Respondent which requested that Respondent participate in a telephone informal conference with the Department on March 13, 2017 to discuss allegations against her arising out of the Ohio DOI's administrative action and her failure to report the Ohio DOI action in violation of N.C.G.S. § 58-33-32(k). On February 20, 2017, the Department e-mailed Respondent to request confirmation of the daytime phone number to reach Respondent for the March 13, 2017 telephone conference.

13. On the morning of March 13, 2017, the Department e-mailed Respondent to remind her of the telephone informal conference scheduled for 2 p.m. that day. When the Department called Respondent for the telephone conference, no one answered the phone.

14. On March 16, 2017, the Department rescheduled the telephone conference with Respondent for May 1, 2017 and e-mailed a letter to Respondent informing her of the new date for the telephone conference. The Department called Respondent several times on May 1, 2017 to conduct the conference. Respondent never answered the Department's phone calls.

15. On March 29, 2017, the Division of Insurance of the South Dakota Department of Labor and Regulation ["SD DOI"] denied Respondent's January 13, 2017 application for licensure as a nonresident insurance producer pursuant to SDCL § 58-30-167(1) for answering "No" in answer to the application questions concerning whether or not Respondent has ever been a party in an administrative proceeding when Respondent was in fact subject to an administrative action in Ohio in 2016.

16. By certified letter dated March 29, 2017, the SD DOI notified Respondent of its decision to deny Respondent's license application and the reasons for the denial. The notification letter cautioned Respondent that "[T]his denial is considered an administrative action which will be reported to the database maintained by the National Association of Insurance Commissioners. If an administrative action occurs, an insurance producer may be required to report the action to any and all states in which an insurance license is held and in accordance with the timeframes and requirements of each state."

17. On May 3, 2017, the SD DOI reported the foregoing administrative action against Respondent to the National Association of Insurance Commissioner's Regulatory Information Retrieval System as being taken effective March 29, 2017. Respondent did not report the SD DOI administrative action to the Department as required by N.C.G.S. § 58-33-32(k).

18. By e-mail and letter to Respondent dated May 19, 2017, the Department informed Respondent that it had received information regarding the Ohio and SD DOI actions which she had not reported to the Department as required by N.C.G.S. § 58-33-32(k) and requested that

ORDER

Based upon the foregoing Findings of Fact and Conclusions of Law, it is ORDERED that Respondent's agents licenses, license number 0017218417, are hereby revoked.

This 14th day of November, 2017.


Meghan N. Cook
Hearing Officer
N.C. Department of Insurance
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**; 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, addressed as follows:

Gahan Sharei Adams
753 Carlisle Street
Akron, OH 44310-2068

Certified Mail Tracking Number: 70170530000073198067

Anne Goco Kirby
Assistant Attorney General
N.C. Department of Justice
9001 Mail Service Center
Raleigh, NC 27699-9001

This the 14th day of November 2017.


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