

NORTH CAROLINA DEPARTMENT OF INSURANCE  
RALEIGH, NORTH CAROLINA

STATE OF NORTH CAROLINA  
COUNTY OF WAKE

BEFORE THE  
COMMISSIONER OF INSURANCE

IN THE MATTER OF:

THE LICENSURE OF  
PAMELA ALEGRIA  
(NPN #20177068)

Respondent.

ORDER AND  
FINAL AGENCY DECISION

Docket Number: 2154

This matter came on for hearing on Wednesday, January 3, 2024, in Hearing Room #131 the Albemarle Building, 325 North Salisbury Street, Raleigh, North Carolina before the undersigned Hearing Officer, as designated by the North Carolina Commissioner of Insurance pursuant to North Carolina General Statutes §§ 58-2-70, 58-2-162, 58-2-185, 58-33-32(k), 58-33-46, 150B-38, 150B-40 and 11 N.C.A.C. 1.0401 et seq. and other applicable statutes and regulations.

Petitioner, the Agent Services Division of the North Carolina Department of Insurance ("Petitioner" or "Agent Services"), was represented by Assistant Attorney General Anne Goco Kirby. Respondent Pamela Alegria (hereinafter, "Respondent") did not appear.

Petitioner's Exhibits 1-10 were admitted into evidence.

Lindsay Maczka, Complaint Analyst for the Department's Agent Services Division, appeared and testified for the Department.

Based upon the allegations set forth in the Notice of Hearing, the Petition for Administrative Hearing, Affidavit of Service, the testimony of Lindsay Maczka, arguments, and documentary exhibits presented at the hearing, the undersigned 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 enforcement of the insurance laws of North Carolina and for regulating and licensing insurance producers.

2. Respondent has held an active non-resident producer's license with authority for Life, Accident & Health or Sickness and Med Supp/Long Term Care lines of insurance. Respondent's National Producer License Number (NPN) is 20177068.

3. Effective October 17, 2022, the South Dakota Department of Insurance denied Respondent's application pursuant to SDCL 58-30-167(1), (2), & (6) for providing incomplete information in the license application, violating any insurance laws, rules, or order of another state's insurance director, and having been convicted of a felony.

4. The South Dakota Department of Insurance's letter of denial advised Respondent as follows: "Please note that this denial is considered an administrative action which will be reported to the data base 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."

5. Respondent failed to report the administrative action taken by the South Dakota Department of Insurance within 30 days after final disposition of such administrative action.

6. Pursuant to N.C. Gen. Stat. §§ 58-2-185, 58-2-195(a), and 11 NCAC 6A.0402(d)(3), the Agent Services Division e-mailed Respondent on December 15, 2022 requesting that she provide a written response along with any documentation regarding the denial of her South Dakota's producer's license within 10 days. Respondent failed to provide any response to the Department's request.

7. Pursuant to N.C. Gen. Stat. §§ 58-2-185, 58-2-195(a), and 11 NCAC 6A.0402(d)(3), the Agent Services Division e-mailed Respondent again on December 29, 2022 requesting that she provide a written response along with any documentation regarding the denial of her South Dakota's producer's license within 10 days. Respondent failed to provide any response to the Department's request.

8. By e-mail and first-class mail to Respondent dated January 11, 2023, the Agent Services Division requested that Respondent participate in an informal conference with Agent Services on February 21, 2023 via telephone to discuss the



allegations against her producer's license. Respondent did not answer the phone when Agent called her for the informal conference on February 21, 2023.

9. By e-mail and first-class mail to Respondent dated February 24, 2023, the Agent Services Division requested that Respondent participate in an informal conference with Agent Services on March 28, 2023 via telephone to discuss the allegations against her producer's license. Respondent did not answer the phone when Agent called her for the informal conference on March 28, 2023.

### **CONCLUSIONS OF LAW**

1. Respondent was properly served with the Notice of Hearing and the Department has personal and subject matter jurisdiction in this matter.

2. N.C. Gen. Stat. § 58-33-32(k) requires a producer to report to the Commissioner any administrative action taken against the producer in another state within 30 days after the final disposition of the matter. The report "shall include a copy of the order or consent order and other information or documents filed in the proceeding necessary to describe the actions."

3. Respondent violated N.C. Gen. Stat. § 58-33-32(k) by failing to report the administrative action taken against her by the South Dakota Department of Insurance within 30 days after final disposition of such administrative action.

4. N.C. Gen. Stat. § 58-33-46(a)(2) states that the Commissioner may 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.

5. Respondent's non-resident Producer license should be suspended or revoked pursuant to N.C. Gen. Stat. § 58-33-46(a)(2) based upon her violation of N.C. Gen. Stat. § 58-33-32(k) by her failure to report the administrative action taken by the South Dakota Department of Insurance within 30 days after final disposition of such administrative action.

6. N.C. Gen. Stat. § 58-33-46(a)(9) states that the Commissioner may place on probation, suspend, or revoke the license of a licensee for having an insurance producer license, or its equivalent, denied, suspended, or revoked in any other jurisdiction for reasons substantially similar to those listed in this subsection.

7. Respondent's non-resident Producer license should be suspended or revoked pursuant to N.C. Gen. Stat. § 58-33-46(a)(9) for having an insurance

producer license denied by the South Dakota Department of Insurance for reasons substantially similar to those listed in N.C. Gen. Stat. § 58-33-46(a).

**ORDER**

Based on the foregoing Findings of Facts and Conclusions of Law, it is ordered that Respondent's non-resident producer's license issued by the North Carolina Department of Insurance is hereby REVOKED effective as of the date of the signing of this order.

This the 4<sup>th</sup> day of March, 2024.



Alisha Benjamin  
Hearing Officer  
North Carolina 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 01.0413 and N.C. Gen. Stat. § 1 A-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, including explicitly stating what exceptions are taken to the decision or procedure and what relief the petitioner seeks, and requires service of the Petition by personal service or by certified mail upon all who were parties of record to the administrative proceedings. The mailing address to be used for service on the Department of Insurance is: Amy L. Funderburk, General Counsel, 1201 Mail Service Center, Raleigh, NC 27699-1201.

### CERTIFICATE OF SERVICE

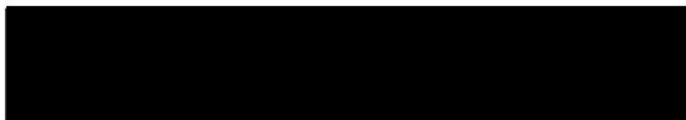
I HEREBY CERTIFY that I have this day served the foregoing **ORDER AND FINAL AGENCY DECISION** by mailing a copy of the same via certified U.S. mail, return receipt requested; via first class U.S. Mail to the licensee at the address provided to the Commissioner pursuant to N.C. Gen. Stat. § 58-2-69(b); and via State Courier to Attorney for Petitioner, addressed as follows:

Pamela Alegria  
25315 Chapel Ridge Ln.  
Spring, Texas 77373  
(Respondent)

Certified Mail Tracking #: 7005 3110 0002 4608 8221

Anne G. Kirby  
Assistant Attorney General  
N.C. Department of Justice  
Insurance Section  
9001 Mail Service Center  
Raleigh, NC 27699-1201  
(Attorney for Petitioner)

This 4<sup>th</sup> day of March, 2024



Kimberly W. Pearce, NCCP  
Paralegal III  
N.C. Department of Insurance  
General Counsel's Office  
1201 Mail Service Center  
Raleigh, NC 27699-1201