

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
JOHN SYDNEY ALEXANDER
(NPN # 19180330)

Respondent.

ORDER AND
FINAL AGENCY DECISION

Docket Number: 2119

THIS MATTER was heard on May 3, 2023, by the undersigned Hearing Officer, as designated by the Commissioner of Insurance pursuant to N.C. Gen. Stat. § 58-2-55. The administrative hearing was held in the Albemarle Building, located at 325 North Salisbury Street, Raleigh, Wake County, North Carolina.

Assistant Attorney General Rebecca E. Lem represented the North Carolina Department of Insurance (hereinafter "Department"), Agent Services Division (hereinafter "Petitioner" or "ASD"). Respondent John Sydney Alexander (hereinafter, "Respondent") did not appear and was not represented by counsel.

Carisa Ransome, Complaint Analyst with the Agent Services Division (ASD) of the North Carolina Department of Insurance, testified for the Petitioner.

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

After careful consideration of the evidence and arguments presented, and based on the entire record in this proceeding, 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. The Notice of Administrative Hearing was properly served on Respondent pursuant on April 13, 2023, and received by Respondent on April 17, 2023, as shown by the Affidavit of Service admitted into evidence. See Pet'r's Ex. 2.

3. Respondent currently holds an active Non-Resident Producer License with lines of authority in Life and Accident and Health or Sickness. Respondent's North Carolina licenses were first issued on March 25, 2021. *See* Pet'r's Ex. 3.

4. Carisa Ransome, Complaint Analyst with ASD, testified that this matter came to ASD's attention through a "PIC alert" which is an automatic notification system through the NAIC ("National Association of Insurance Commissioners") regarding an adverse administrative action Respondent had recently received in Louisiana, effective March 3, 2022. *See* Pet'r's Ex. 5.

5. Evidence admitted at the hearing shows that Respondent received a written warning from ASD Complaint Analyst Jeff Miller on December 21, 2021, regarding his failure to report a past administrative action pursuant to N.C. Gen. Stat. § 58-33-32(k). In ASD's written warning letter Respondent is cautioned: "Please also be advised that any future administrative actions that may occur in other states including denials or restricted licenses, must be reported to the Department within 30 days of the effective date". *See* Pet'r's Ex. 7.

6. Ms. Ransome testified that after ASD received a PIC alert concerning Respondent's Louisiana administrative action, she was assigned to handle the file. Ms. Ransome discovered that Respondent had not yet reported the Louisiana administrative action, but still had time to do so pursuant to N.C. Gen. Stat. § 58-33-32(k).

7. Documentary evidence admitted at the hearing shows that Respondent received an administrative action in the form of a license revocation from the Louisiana Department of Insurance on January 12, 2022, effective March 3, 2022, for Respondent's failure to timely report the license denial he received in Illinois, and also for his repeated failure to respond to the Louisiana Department of Insurance's requests for responses. *See* Pet'r's Ex. 10.

8. Ms. Ransome first contacted Respondent at his email address on record with the Department on March 7, 2022 regarding the unreported Louisiana administrative action, and asked Respondent to provide a written response and documentation regarding this administrative action and alerted him that he could still timely report this action "in order to avoid potential further regulatory action." Respondent did not respond as requested. *See* Pet'r's Ex. 8A.

9. As a second attempt, Ms. Ransome sent Respondent another email on March 18, 2022, again requesting a response regarding the Louisiana administrative action, and noting that Respondent needed to respond within ten (10) days. Ms. Ransome again advised Respondent that he still had time to timely report this administrative action and avoid potential regulatory action against his license. Respondent did not respond as requested. *See* Pet'r's Ex. 8B.

10. As a third attempt, Ms. Ransome called and left a voicemail at Respondent's primary residential phone number on record on March 29, 2022 requesting a call back noting that Respondent still had time to timely report the Louisiana administrative action. This call was followed up with an email to Respondent's email address of record detailing the same information. Respondent did not contact ASD to address this matter. *See* Pet'r's Ex. 8C.

11. On April 8, 2022, Ms. Ransome sent Respondent an informal conference notice by email scheduling an informal conference by phone conference for May 9, 2022 regarding his failure to report the Louisiana administrative action within thirty (30) days of the effective date of that action, as Respondent had by this time passed the time in which he could timely report it pursuant to N.C. Gen. Stat. § 58-33-32(k). On May 5, 2022, Ms. Ransome called Respondent and left a voicemail reminding him of the May 9, 2022 informal conference. *See* Pet'r's Exs. 8D.

12. On May 17, 2022, Ms. Ransome sent Respondent a second informal conference notice by email and also by first class US Mail to Respondent's residential address of record, scheduling an informal conference by phone conference for June 20, 2022 regarding his failure to report the Louisiana administrative action within thirty (30) days of the effective date of that action. *See* Pet'r's Exs. 8E and 8F.

13. On June 17, 2022, ASD attempted to call Respondent twice at both phone numbers of record and left voicemails to call back. Respondent never returned this phone call or otherwise contact ASD. *See* Pet'r's Ex. 9.

14. On June 20, 2022, Ms. Ransome sent Respondent written notice by email and by first class US Mail to Respondent's residential address of record that, following his failure to attend two previously scheduled informal conferences, ASD would be moving forward with a request for an administrative hearing for his failure to timely report the Louisiana administrative action. Respondent never responded or otherwise contacted the Department. *See* Pet'r's Exs. 8G and 8H.

CONCLUSIONS OF LAW

1. This matter is properly before the Commissioner, and the Commissioner has jurisdiction over the parties and the subject matter pursuant to Chapter 58 of the North Carolina General Statutes.

2. Respondent was properly served with the Notice of Administrative Hearing in this matter but failed to attend the May 3, 2023 hearing or retain counsel to represent him at the hearing.

3. N.C. Gen. Stat. § 58-33-32(k) 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 that matter.” The statute specifies that “[t]he 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.”

4. Respondent failed to report the January 12, 2022 Louisiana administrative action against him to the Department within thirty (30) days of the action’s effective date of that action, as mandated by N.C. Gen. Stat. § 58-33-32(k).

5. N.C. Gen. Stat. § 58-33-46(a)(2) allows the Commissioner to suspend, revoke, or refuse to renew any license issued under this Article for violating any insurance law of this or any other state.

6. Respondent’s license is subject to suspension or revocation under N.C. Gen. Stat. § 58-33-46(a)(2) for his failure to report the Louisiana administrative action to the Department in violation of N.C. Gen. Stat. § 58-33-32(k).

7. Respondent has previously received a written warning from ASD for failure to timely report a prior administrative action against his insurance license, and he was specifically advised by ASD of the requirement to report future administrative actions timely to the Department.


8. ASD contacted Respondent on four occasions, advising Respondent that he could still timely report and avoid further administrative action from the Department. Respondent failed to respond to ASD’s multiple forms of communication, thus showing no interest in retaining his North Carolina insurance licenses.

Based on the foregoing Findings of Fact and Conclusions of Law, the Hearing Officer enters the following.

ORDER

It is ordered that Respondent’s licenses issued by the North Carolina Department of Insurance are hereby REVOKED effective as of the date of the signing of this order.

This the 16th day of June, 2023.


Alisha Benjamin
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 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: A. John Hoomani, General Counsel, 1201 Mail Service Center, Raleigh, NC 27699-1201.

CERTIFICATE OF SERVICE

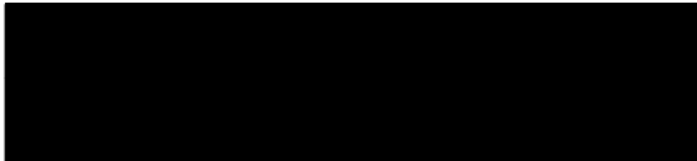
I HEREBY CERTIFY that I have this day served the foregoing **ORDER AND FINAL AGENCY DECISION** by mailing a copy of the same via certified U.S. Mail, return receipt requested; via first class U.S. mail to the licensee, at the address provided to the Commissioner pursuant to N.C. Gen. Stat. § 58-2-69(b);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

John Sydney Alexander
2814 BROOKLINE DR.
Missouri City, Texas 77459.
(Respondent)

Certified Mail Tracking Number: 70222410000096625239

Rebecca E. Lem
Assistant Attorney General
N.C. Department of Justice
Insurance Section
9001 Mail Service Center
Raleigh, NC 27699-9001
(Attorney for Petitioner)

This the 16th day of June, 2023.



Mary Faulkner
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