

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
MARIAM ANEZ
(NPN #18674070)

ORDER AND
FINAL AGENCY DECISION

Docket No. 2186

Respondent.

THIS MATTER was heard on May 30, 2024 by the undersigned Hearing Officer, as designated by the Commissioner of Insurance ("Commissioner") pursuant to N.C. Gen. Stat. § 58-2-55. The administrative hearing was held in Hearing Room #131 of the Albemarle Building, located at 325 North Salisbury Street, Raleigh, Wake County, North Carolina.

Assistant Attorney General Dilcy Burton was present and represented the North Carolina Department of Insurance (hereinafter "Department"), Agent Services Division (hereinafter "Petitioner" or "Agent Services"). Respondent Mariam Anez (hereinafter "Respondent") did not appear and was not represented by counsel at the hearing.

Jeff Miller, Complaint Analyst with Agent Services, appeared and testified for the Department. Petitioner offered Exhibits 1 through 11, which were admitted into evidence.

BASED UPON careful consideration of the evidence and arguments presented, and based upon the entire record in the proceeding, the Hearing Officer hereby makes the following Findings of Fact and Conclusions of Law:

FINDINGS OF FACT

1. The Petition and Notice of Administrative Hearing was properly served on Respondent by depositing in the United States Postal Service via first class U.S. Mail on April 30, 2024. See Pet'r Exs. 1 and 2.

2. The Department is a state agency responsible for the enforcement of the insurance laws of North Carolina and for regulating the licensing of insurance

producers, in accordance with Chapter 58 of the North Carolina General Statutes.

3. Respondent currently holds a nonresident insurance producer license with lines of authority in Accident and Health or Sickness and Life. Respondent's North Carolina license was first active on or about November 2, 2021. *See* Pet'r Exs. 3 and 4.

4. Agent Services received a "PIC alert", an automatic notification system through the NAIC ("National Association of Insurance Commissioners"), regarding administrative actions that Respondent received in South Dakota. *See* Pet'r Ex. 5.

5. On or about January 3, 2023, the South Dakota Department of Labor & Regulation issued an administrative action by denying Respondent's nonresident insurance producer license application based upon SDCL 58-30-167(1), (2), and (9) for providing incorrect, misleading, incomplete or materially untrue information in the license application; violating the insurance laws or rules of the State of South Dakota and/or another state; and having an insurance producer license, denied, suspended or revoked in another state. *See* Pet'r Ex. 7.

6. Respondent failed to report the South Dakota administrative action to the Department by uploading a copy of the administrative action to the NIPR Attachment Warehouse or by reporting the administrative action directly to the Department. *See* Pet'r Ex. 6.

7. On March 10, 2023 and March 21, 2023, Agent Services contacted Respondent via her e-mail address of record addressing this failure to report. Respondent did not respond to the Department after either communication attempt was made. *See* Pet'r Exs. 4, 8 and 9.

8. On April 17, 2023, Agent Services requested that Respondent appear for an informal conference scheduled on May 15, 2023 at 10:00 a.m. to explain the South Dakota administrative action. Agent Services communicated this request via Respondent's e-mail address of record as well as USPS first class mail Respondent's mailing address of record. *See* Pet'r Exs. 4 and 10

9. On May 15, 2023 at 10:00 a.m. Agent Services contacted Respondent at both business and personal telephone numbers of record as previously notified. Respondent did not to respond and to date, has not communicated with Agent Services regarding this administrative action in question. *See* Pet'r Exs. 10 and 11.

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. The Notice of Administrative Hearing was properly served on Respondent pursuant to N.C. Gen. Stat. § 58-2-69(d) and Rule 4 of the North Carolina Rules of Civil Procedure.

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 in another state or by another governmental agency in this State within thirty (30) days after the final disposition of the matter.

4. Respondent was required to report the South Dakota (effective January 3, 2023) administrative action(s) within thirty (30) days of the effective dates of the actions pursuant to N.C. Gen. Stat. § 58-33-32(k).

5. Respondent's failure to report and provide copies of adverse notices for the administrative actions from the States of South Dakota within thirty (30) days of the effective dates of the actions are violations of N.C. Gen. Stat. § 58-33-32(k).

6. N.C. Gen. Stat. § 58-33-46(a)(2) allows the Commissioner to place on probation, suspend, revoke, or refuse to renew any license issued under this Article for a licensee violating any insurance law of this or any other state, violating any administrative rule, subpoena, or order of the Commissioner or of another state's insurance regulator or violating any rule of FINRA.

7. N.C. Gen. Stat. § 58-33-46(a)(9) provides that the Commissioner may place on probation, suspend, revoke or refuse to renew a license if a licensee has an insurance producer license or its equivalent denied, suspended or revoked in any other jurisdiction.

8. Respondent did not comply with the insurance laws in the state of South Dakota, SDCL 58-30-167(1), (2), and (9) which resulted in receiving an administrative action in that state. Pursuant to Respondent's adverse action in the state of South Dakota, the Commissioner may revoke Respondent's North Carolina insurance producer license due to Respondent's failure to report the South Dakota adverse actions to the Department.

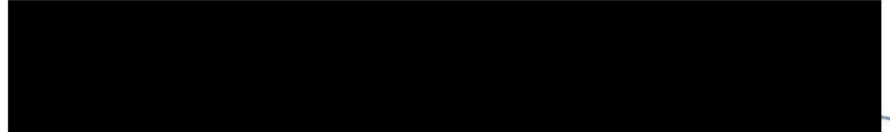
9. Respondent's violations of N.C. Gen. Stat. § 58-33-32(k), N.C. Gen. Stat. § 58-33-46(a)(2) and N.C. Gen. Stat. § 58-33-46(a)(9) provides the statutory authority for revoking Respondent's North Carolina insurance producer license.

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

ORDER

It is ordered that Respondent's nonresident insurance producer license issued by the North Carolina Department of Insurance is hereby REVOKED effective as of the date of the signing of this Order.

This 5th day of August, 2024.

A large black rectangular box redacting the signature of the Hearing Officer.

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 the 11 NCAC 1.0413 and N.C.G.S. § 1A-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 and requires service of the Petition on all parties. The mailing address to be used for service on the Department of Insurance is: Amy Funderburk, General Counsel, 1201 Mail Service Center, Raleigh, NC 27699-1201.

CERTIFICATE OF SERVICE

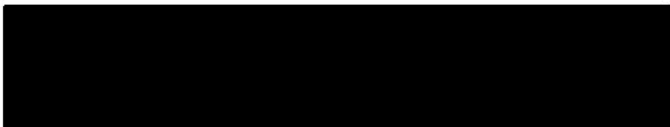
I HEREBY CERTIFY that I have this day served the foregoing **ORDER and FINAL AGENCY DECISION** by mailing a copy of the same via certified U.S. Mail, return receipt requested; and via first class U.S. Mail to the licensee at the address provided to the Commissioner pursuant to N.C. Gen. Stat. § 58-2-69(b);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

Mariam Anez
9480 NW 41st Street, #206
Doral, FL 33178
(Respondent)

Certified Mail Tracking #: 9589 0710 5270 0742 5937 44

Dilcy Burton
Assistant Attorney General
N.C. Department of Justice
Insurance Section
9001 Mail Service Center
Raleigh, NC 27699-9001

This 5th day of August, 2024.



Kimberly W. Pearce, NCCP
Paralegal III
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1201 Mail Service Center
Raleigh, NC 27699-1201