

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
KENNEIGHA BARNES
NPN # 20490479

Respondent.

ORDER AND
FINAL AGENCY DECISION

Docket Number: 2211

This matter came on for hearing on September 10, 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, Agent Services Division ("Petitioner" or "Agent Services") of the North Carolina Department of Insurance (the "Department") was represented by Assistant Attorney General Anne Goco Kirby. Kenneigha Barnes ("Respondent") did not appear and was not represented by counsel at the hearing.

Petitioner's Exhibits 1- 9 were admitted into evidence.

Jeff Miller, Complaint Analyst for Agent Services, appeared and testified for Petitioner.

Based upon the allegations set forth in the Notice of Hearing, the Petition for Administrative Hearing, Affidavit of Service, the testimony of Jeff Miller, 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 Department has the authority and responsibility for the enforcement of insurance laws of this State and for regulating and licensing insurance agents. At all relevant times herein, Respondent held a Nonresident Producer license with authority for Property and Casualty lines of insurance issued

by the Department. Respondent's National Producer License Number (NPN) is 20490479.

2. Effective September 25, 2023, the Kansas Department of Insurance denied Respondent's application for a nonresident producer's license pursuant to K.S.A. §§ 40-4909(a)(6) for having been convicted of a misdemeanor and 40-4909 (b) because the insurable interests of the public would not be properly served under such a license.

3. 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." See N.C. Gen. Stat. § 58-33-32(k).

4. Respondent violated N.C. Gen. Stat. § 58-33-32(k) by failing to report the administrative action taken by the Kansas Department of Insurance to the Department within 30 days after final disposition of said administrative action.

5. Pursuant to N.C. Gen. Stat. §§ 58-2-185 and 58-2-195(a) and 11 NCAC 6A .0402(d)(3), the Agent Services Division e-mailed Respondent on January 25, 2024, requesting that she provide a written response along with any documentation regarding the Kansas denial. Respondent failed to provide any response to the Department's request.

6. Pursuant to N.C. Gen. Stat. §§ 58-2-185 and 58-2-195(a) and 11 NCAC 6A .0402(d)(3), Agent Services e-mailed Respondent a follow up request for Respondent to provide a written response along with any documentation regarding the Kansas denial. Respondent failed to provide any response to this follow-up email request.

7. By e-mail and first-class mail to Respondent on March 14, 2024, Agent Services requested that Respondent participate in an informal conference with Agent Services Division by telephone to discuss the allegations against her producer's license. Respondent did not attend the scheduled informal conference.

CONCLUSIONS OF LAW

1. This matter is properly before the Commissioner, and the Commissioner has jurisdiction over the parties and the subject matter.

2. Respondent was properly served with the Notice of Hearing in this matter but failed to attend the September 10, 2024 hearing or retain counsel to represent her at the hearing.

2. Respondent violated N.C. Gen. Stat. § 58-33-32(k) by failing to report the Kansas denial of her license application to the Department.

3. 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 the Financial Industry Regulatory Authority.

4. Respondent's non-resident Producer license should be 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).

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 10th day of January, 2025.



Kyle Heuser
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: 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 residential address provided to the Commissioner pursuant to N.C. Gen. Stat. § 58-2-69(b) and (d); and via State Courier to Attorney for Petitioner, addressed as follows:

Kenneigha Barnes
3225 W 4th St. APT D4
Hattiesburg, MS 39401-5844
(Respondent)

Certified Mail Tracking #: 9589 0710 5270 0742 5898 46

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

This the 10th day of January, 2025.



Kimberly W. Pearce, NCCP
Clerk of Court for Administrative Hearings
Paralegal III
N.C. Department of Insurance
General Counsel's Office
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