

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

STATE OF NORTH CAROLINA	)	BEFORE THE COMMISSIONER
	)	OF INSURANCE
COUNTY OF WAKE	)	
	)	
IN THE MATTER OF:	)	
	)	ORDER AND
THE LICENSURE APPLICATION	)	FINAL AGENCY DECISION
OF CHANDRA BARR	)	
NPN #17352143	)	Docket No. 1879
	)	
	)	
	)	

THIS MATTER was heard on February 21, 2018, by the undersigned Hearing Offer, designated by the North Carolina Commissioner of Insurance (“Commissioner”) under N. C. Gen. Stat. §§ 58-2-50 and 58-2-55, pursuant to a Notice of Hearing that was duly served and issued.

Respondent Chandra Barr (“Respondent”) was properly served but was not present at the hearing. The Agent Services Division (“Agent Services”) of the North Carolina Department of Insurance (“NCDOI”) was present at the hearing and was represented by LaShawn Strange Piquant, Assistant Attorney General. Agent Services Complaint Analyst Megan Daniels testified at the hearing on behalf of NCDOI.

Agent Services offered into evidence Exhibits 1 through 15, which were admitted into evidence. Agent Services also called Daniela Leander, Senior Human Resources Manager with Allstate as a witness.

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

FINDINGS OF FACT

1. The North Carolina Department of Insurance is a state agency responsible for the enforcement of the insurance laws of North Carolina and for regulating and licensing insurance agents and business entities in accordance with Chapter 58 of the North Carolina General Statutes.

2. Respondent was served notice of the hearing at the address of record with Agent Services pursuant to N.C. Gen. Stat. § 58-2-69.

3. Respondent is currently licensed as a resident Casualty and Property insurance agent. Agent Services issued the licenses to Respondent on or about September 17, 2014. Respondent was acting as a licensed insurance agent at all relevant times referenced herein.

4. Respondent was employed with Allstate Insurance Company (hereinafter, "Allstate") as a customer representative.

5. On or about October 29, 2016, Respondent was terminated for cause. Chris Reetz, Division Manager, Licensing and Appointing COE for Allstate notified Agent Services on or about November 30, 2016, advising that Respondent was terminated for cause due to "Falsification of Application."

6. Allstate provided Agent Services with a copy of the termination report dated October 27, 2016, recording of an interview with Respondent on October 10,

2016, relevant to its investigation, and copies of four applications determined to be falsified by Respondent.

7. The investigation report prepared by Allstate includes a case summary that provided the following: 1) Respondent previously violated company policy for binding renter policies without consent in March 2015 and received a written warning; 2) on October 7, 2016, Allstate conducted a review of Respondent's calls for the previous 90 days and determined that renter policies were written without consumer consent for which Respondent received bonuses payments; and 3) when interviewed by Allstate on October 10, 2016, Respondent admitted to placing the coverage without permission and admitted that she knew this was against Allstate's policies.

8. During a recorded interview conducted by Allstate's investigation team on October 10, 2016, Respondent admitted to wrongfully placing coverage without permission from consumers. She also admitted to being reprimanded by Allstate previously for this action and knew that it was against Allstate's policies and unethical.

9. For the hearing, the October 10, 2016, interview was transcribed into a transcript that accurately reflected the interview. The transcript was verified by Agent Services and Ms. Daniela Leander, a representative of Allstate.

10. The insurance applications provided to Agent Services with the investigation report demonstrate that insurance coverage was placed by Respondent. The applications have an electronic signature of Respondent but are

not signed by the consumer.

11. In a written statement to Agent Services signed January 3, 2017, Respondent admitted that during her employment with Allstate, she “bundled” products which resulted in the consumer being told one price but the consumer received more than one product and was billed for more than one premium.

12. Respondent failed to report to Agent Services administrative action by other states where she was also licensed as an insurance agent, as required by N.C. Gen. Stat. § 58-33-32k.

13. N.C. Gen. Stat. § 58-33-32(k) provides that “a producer shall report to the Commissioner any administrative action taken against the producer in another state or by another governmental agency in this State within 30 days after the final disposition of the matter.”

14. Megan Daniels with Agent Services testified that administrative action, including revocation of licensure, was taken by the insurance licensing agency in the states of Washington, Maine, Kansas, Indiana, Louisiana and South Dakota.

15. Respondent did not report the administrative action taken to Agent Services as required by statute.

16. On February 15, 2017, Kansas Department of Insurance issued a Summary Order of Revocation that included findings that Respondent forged insurance applications and engaged in fraudulent and dishonest acts. Respondent did not appeal the summary order issued.

17. On May 31, 2017, the State of Maine Department of Professional and Financial Regulation Bureau of Insurance issued a notice of revocation to Respondent for failing respond to their request for explanation regarding the termination for cause from Allstate Insurance and the licensure revocation issued by the State of Kansas.

18. On June 26, 2017, the State of Washington Office of Commissioner issued an Order Revoking License to Respondent thereby revoking her insurance licenses in that state. The order listed the basis for revocation as the revocation of her insurance licenses in Kansas, the failure to report the revocation as administrative action taken and the failure to respond to inquiries.

19. On June 30, 2017, the Indiana Department of Insurance issued an Administrative Order and Notice of Nonrenewal of License thereby ordering that Respondent's producer license not be renewed. The order listed the basis for revocation as the revocation of her insurance licenses in Kansas, the failure to timely report the administrative action taken, and the falsification of insurance applications which led to Respondent's termination for cause from Allstate.

20. On July 21, 2017, Louisiana Department of Insurance revoked Respondent's producer license based on her termination for cause from Allstate and the revocation of her producer licenses in the states of Kansas and Washington.

21. On November 9, 2017, the South Dakota Division of Insurance issued a final order against Respondent revoking her insurance license in that state. The

order listed as the basis for revocation Respondent's failure to report administrative actions taken in other jurisdictions.

22. Respondent's failure to report the administrative action taken against her non-resident licenses by the insurance regulatory agencies in Kansas, Washington, Indiana, Louisiana and Maine as required by N. C. Gen. Stat. § 58-33-32k provides sufficient grounds for administrative action against her licenses pursuant to N.C. Gen. Stat. § 58-33-46.

CONCLUSIONS OF LAW

1. This matter is properly before the North Carolina Commissioner of Insurance (hereinafter "Commissioner"), and the Commissioner has jurisdiction over the parties and the subject matter pursuant to N. C. Gen. Stat. §§ 58-2-50, 58-33-46, 150B-38, 150B-40 and other applicable statutes and regulations.

2. Respondent was properly served with the Notice of Hearing in this matter.

3. Respondent's placement of insurance coverage without the authorization of consumers was fraudulent behavior in violation North Carolina insurance statutes.

4. Respondent's failure to report administrative action taken by other states as required by statute is in violation of North Carolina insurance laws.

5. N.C. Gen. Stat. §§ 58-33-46(a) (7) provides that the Commissioner may place on probation, suspend, revoke or refuse to renew any license where Respondent has "admitted or been found to have committed any insurance unfair

trade practice or fraud.” Respondent’s actions are in violation of N.C. Gen. Stat. § 58-33-46(a) (7).

6. N.C. Gen. Stat. §§ 58-33-46(a) (8) provides that the Commissioner may place on probation, suspend, revoke or refuse to renew any license if a licensee has engaged in “fraudulent, coercive, or dishonest practices, or demonstrating incompetence, untrustworthiness, or financial irresponsibility in the conduct of business in this State or elsewhere.” Respondent’s actions are in violation of N.C. Gen. Stat. § 58-33-46(a) (8).

7. N.C. Gen. Stat. §§ 58-33-46(a) (2) provides that the Commissioner may place on probation, suspend, revoke or refuse to renew any license for “violating any insurance laws, or violating any administrative rule, subpoena, or order of the Commissioner or of another states regulator.” Respondent’s actions are in violation of N.C. Gen. Stat. § 58-33-46(a) (2).

ORDER

Based upon the foregoing Finding of Fact and Conclusions of Law, it is ORDERED that the licensure of Chandra Barr be revoked.

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

This 19th day of March 2018.


Meghan N. Cook
Hearing Officer

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 addresses provided to the Commissioner pursuant to N.C. Gen. Stat. § 58-2-69(b); and via State Courier, addressed as follows:

Chandra Barr
8314 Harris Pond Drive
Apt. J
Charlotte, NC 28269-9326
(Respondent)

Certified Mail Tracking Number: 70170530000073197572

LaShawn S. Piquant
Assistant Attorney General
N.C. Department of Justice
9001 Mail Service Center
Raleigh, NC 27699-9001
(Attorney for Petitioner)

This 19th day of March 2018.


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