

NORTH CAROLINA DEPARTMENT OF INSURANCE  
RALEIGH, NORTH CAROLINA

STATE OF NORTH CAROLINA	)	BEFORE THE
COUNTY OF WAKE	)	COMMISSIONER OF INSURANCE
	)	
	)	
IN THE MATTER OF:	)	
	)	
THE LICENSURE OF	)	ORDER AND
COURTNEY BERGSTOL	)	<u>FINAL AGENCY DECISION</u>
(NPN #20352508)	)	
	)	Docket No. 2151
	)	
	)	
Respondent.	)	
	)	

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**THIS MATTER** was heard on March 7, 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 (“Department” or “NCDOI”), Agent Services Division (“Petitioner” or “Agent Services”). Respondent Courtney Bergstol, proceeding *pro se*, did not appear. Lindsay Maczka, Complaint Analyst with Agent Services, appeared and testified for the Department.

Agent Services offered into evidence Petitioner’s Exhibits 1 through 14, which were admitted into evidence with the exception of redactions of personal identification information from Petitioner Exhibits 7, 8 and 9.

**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 November 20, 2023. See Pet’r Ex. 1 and 2.

2. Petitioner filed a *Motion to Continue Hearing* to reissue the Petition and Notice of Administrative Hearing with the correct start time for the proceeding. An Order of Continuance was granted and issued on December 21, 2023. *See* Pet'r Ex. 4 and 5.

3. An Amended Notice of Administrative Hearing with the Petition for Administrative Hearing attached thereto as Exhibit A was properly served on Respondent by depositing in the United States Postal Service via first class U.S. Mail on February 5, 2024. *See* Pet'r Ex. 3 and 6.

4. NCDOI 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.

5. Respondent currently holds a nonresident insurance producer license with lines of authority in Accident and Health or Sickness, Medicare Supplement and Long Term Care. Respondent's North Carolina license was first active on or about June 23, 2022. *See* Pet'r Ex. 7 and 8.

6. Lindsay Maczka, Complaint Analyst with Agent Services, testified that this matter came to her attention through a "PIC alert", which is an automatic notification system through the NAIC ("National Association of Insurance Commissioners"), regarding administrative actions that Respondent received in Louisiana and Kansas. *See* Pet'r Ex. 9.

7. On or about November 18, 2022, the Kansas Insurance Department denied Respondent's nonresident insurance producer license application because of Respondent's violation of Kansas statutory laws. *See* Pet'r Ex. 11.

8. On or about July 5, 2023, the Louisiana Department of Insurance revoked Respondent's insurance producer license due to Respondent's failure to report the administrative actions from the State of Kansas. *See* Pet'r Ex. 12.

9. Mrs. Maczka testified that a licensee may report an administrative action against that licensee by uploading a copy of the administrative action to the NIPR Attachment Warehouse or reporting the administrative action directly to NCDOI. A screenshot of the NIPR Attachment Warehouse was introduced into evidence. The screenshot indicated that Respondent did not report the negative administrative actions from Kansas and Louisiana in the NIPR Attachment Warehouse. *See* Pet'r Ex. 10.



10. On January 4, 2023 and January 18, 2023 Mrs. Maczka contacted Respondent at Respondent's e-mail addresses of [agentcontracting@bft.com](mailto:agentcontracting@bft.com) and [cbergstol@togetherhealth.com](mailto:cbergstol@togetherhealth.com), e-mails on record with NCDOT. See Pet'r Ex. 7, 13 and 14.

11. On February 3, 2023, Mrs. Maczka sent written correspondence via U.S. Mail to Respondent's residence and mailing address at 1579 SE Minorca Avenue, Port St. Lucie, Florida 34952-4941. See Pet'r Ex. 7 and 15.

12. On February 3, 2023, Mrs. Maczka requested that the Respondent appear for an informal conference to explain the negative actions from the States of Kansas and Louisiana. See Pet'r Ex. 7, 9 and 15.

13. An informal conference was scheduled for the Respondent on March 16, 2023 at 11:30 a.m. NCDOT contacted Respondent at the telephone number on record for Respondent at 304-281-7547 and 877-376-5831. See Pet'r Ex. 8 and 16.

14. At the informal conference, Respondent did not answer the call from NCDOT to explain the adverse actions from the RIRS report. See Pet'r Ex. 8, 9, 15 and 16.

15. Testimony and documentary evidence admitted at the hearing show that Respondent never provided copies of acceptable notice of the Kansas and Louisiana negative administrative actions to the NIPR Attachment Warehouse. See Pet'r Ex. 10.

16. Respondent did not fax, USPS mail or e-mail notice(s) of the adverse administrative action(s) from the States of Kansas and Louisiana to NCDOT. See Pet'r Ex. 10.

17. Petitioner requests that Respondent's licenses be revoked pursuant to N.C. Gen. Stat. §§ 58-33-32(k), 58-33-46(a)(2) and 58-33-46(a)(9).

### **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(b) 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 Kansas Action, which was effective November 18, 2022, and the Louisiana Action, which was effective July 5, 2023, within thirty (30) days of the effective dates of the respective Actions pursuant to N.C. Gen. Stat. § 58-33-32(k). *See* Pet'r Ex. 9, 10, 11 and 12.

5. Respondent's failure to report and provide copies of adverse notices for the administrative actions from the States of Kansas and Louisiana 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 NCDOI 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 States of Kansas and Louisiana and received a negative administrative action in those aforementioned states. Pursuant to Respondent's adverse actions in the States of Kansas and Louisiana, NCDOI may revoke Respondent's North Carolina insurance producer license due to Respondent's failure to timely report the Kansas and Louisiana adverse actions to NCDOI.

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.

**ORDER**

Based upon the foregoing Findings of Fact and Conclusions of Law, it is ORDERED that Respondent's nonresident insurance producer license be REVOKED effective as of the date of the signing of this Order.

This 19<sup>th</sup> day of March, 2024.



Terence D. Friedman  
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:

Courtney Bergstol  
1579 SE Minorica Ave.  
Port St. Lucie, FL 34952-4941  
(Respondent)

**Certified Mail Tracking Number:** 70222410000096625529

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

This the 19<sup>th</sup> day of March, 2024.

  
Mary Faulkner  
Paralegal III  
N.C. Department of Insurance  
1201 Mail Service Center  
Raleigh, NC 27699-1201