

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
CHRISTIAN BINGO
(NPN # 19206827)

Respondent.

ORDER AND
FINAL AGENCY DECISION

Docket Number: 2132

THIS MATTER was heard on Wednesday, July 26, 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 Christian Bingo (hereinafter, "Respondent") did not appear and was not represented by counsel.

Jeff Miller, Complaint Analyst with the Agent Services Division (ASD) of the North Carolina Department of Insurance, testified for the Petitioner. Petitioner's Exhibits 1 through 11, including all subparts, were admitted into evidence.

BASED UPON the allegations set forth in the Notice of Hearing in this matter, as well as documentary and testimonial evidence introduced at the hearing, the undersigned Hearing Officer hereby makes the following Findings of Fact and Conclusions of Law:

FINDINGS OF FACT

1. The Department 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 via first class U.S. Mail to the residential address on file with the Department pursuant to N.C. Gen. Stat. § 58-2-69(e) and Rule 4 of the North Carolina Rules of Civil Procedure.

3. The Notice of Administrative Hearing and attached Petition and the Affidavit of Service were admitted into evidence as administrative exhibits. *See* Pet'r's Ex. 1 & 2.

4. Respondent holds a Non-Resident Producer License with lines of authority in Life and Accident and Health or Sickness ("License"). Respondent's License was first active on or about September 16, 2019. *See* Pet'r's Ex. 3.

5. Jeff Miller, 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 administrative action Respondent received in Wisconsin on May 3, 2021. Mr. Miller explained that the information from the PIC alerts can be viewed on a "RIRS report", which is also viewed through the NAIC system.

6. The RIRS report admitted into evidence showed that Respondent has received two administrative actions, including in Wisconsin (license revocation effective May 3, 2021) and Louisiana (license revocation effective January 6, 2022). *See* Pet'r's Ex. 5.

7. Documentary admitted at the hearing shows that Respondent received a written warning from former ASD Complaint Analyst Lisa Webb on November 30, 2021 regarding his failure to report the May 3, 2021 Wisconsin administrative action pursuant to N.C. Gen. Stat. § 58-33-32(k). In this written warning letter, N.C. Gen. Stat. § 58-33-32(k) is cited, and the Respondent is cautioned: "In the future please remember to report all regulatory actions (which includes denials, revocations, consent orders, suspensions, notices of fine, FINRA actions, etc.) within 30 days of the final disposition to avoid future regulatory action." *See* Pet'r's Ex. 6.

8. On or about November 17, 2022, Respondent received an administrative action in the form of a license revocation from the Louisiana Department of Insurance effective January 6, 2022 for Respondent's failure to timely report the Wisconsin administrative action, failure to timely file documentation and failure to respond to the Louisiana Department of Insurance. *See* Pet'r's Ex. 10.

9. Mr. Miller testified that after ASD received a PIC alert concerning Respondent's January 6, 2022, Louisiana administrative action, he was assigned to handle the file. Mr. Miller checked to see if Respondent had reported this action to the Department within thirty (30) days of the effective date of that action, as is required by N.C. Gen. Stat. § 58-33-32(k). Respondent had not yet reported the Louisiana administrative action, but still had time to do so.

10. Mr. Miller first contacted Respondent at Respondent's email address on record with the Department on January 13, 2022, regarding the unreported Louisiana administrative action advising that he could still timely report this action by providing a copy of the order by February 6, 2022. Mr. Miller also requested a written response. Respondent did not respond as requested, and did not thereafter report the Louisiana administrative action. *See* Pet'r's Ex. 7A.

11. Mr. Miller sent Respondent another email on January 28, 2022, again requesting a response regarding the Louisiana administrative action, noting that Respondent needed to respond within ten (10) days. As of the date of the January 28, 2022, email, Respondent still had time to timely report this administrative action to avoid potential regulatory action against his License. *See* Pet'r's Ex. 7B.

12. On January 31, 2022, Mr. Miller received an email from Respondent inquiring as to what the issue was, and Mr. Miller explained that ASD needed Respondent to provide a copy of the Louisiana administrative action. Mr. Miller's notes indicate that Respondent told Mr. Miller that he would reach out to the Louisiana Department of Insurance. Respondent did not thereafter report the Louisiana administrative action to ASD. *See* Pet'r's Ex. 9.

13. On February 28, 2022, Mr. Miller sent Respondent an informal conference notice by email scheduling an informal conference by phone conference for March 28, 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). Respondent sent a reply email providing a phone number to Mr. Miller at which he could be reached and again inquiring what was needed to resolve the matter despite the February 6, 2022 compliance deadline passing. *See* Pet'r's Ex. 7C & 7D.

14. On March 28, 2022, at the appointed time, Mr. Miller and Ms. Nadine Scott, Mr. Miller's current supervisor, attempted to call Respondent two times at the phone number he provided to ASD on January 31, 2022. Respondent did not answer, and the voicemail was full. Respondent did not thereafter return the missed phone calls or otherwise contact ASD. *See* Pet'r's Ex. 8A & 9.

15. On April 6, 2022, Mr. Miller sent Respondent a second 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. *See* Pet'r's Ex. 7E.

16. On May 9, 2022, at the appointed time Mr. Miller and his then-supervisor Joe Wall called Respondent at the phone number Respondent had provided. Respondent did not answer and did not thereafter return the missed phone

call or otherwise contact ASD. *See* Pet'r's Ex. 8B & 9.

17. On May 9, 2022, Mr. Miller sent Respondent written notice by email and also 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. *See* Pet'r's Ex. 7F.

18. Petitioner requested that Respondent's licenses be revoked pursuant to N.C. Gen. Stat. §§ 58-33-32(k) and 58-33-46(a)(2), noting that Respondent did not attend two informal hearings, failed to provide requesting documentation after receiving written warning by ASD and do not appear to have a continuing interest in retaining his North Carolina insurance licenses.

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 pursuant to Rule 4 of the North Carolina Rules of Civil Procedure.

3. N.C. Gen. Stat. § 58-33-32(k) requires A PRODUCER TO REPORT TO THE Commissioner any administrative action taken against eh 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's failure to report the administrative action against his Louisiana insurance license to the Department within thirty (30) days of the effective dates of that action is a violation of 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).

ORDER

BASED UPON the foregoing Findings of Facts and Conclusions of Law, 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 8th day of September, 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:

Christian Bingo
2788 SW 10th Street
Boynton Beach, FL 33426-7803.
(Respondent)

Certified Mail Tracking Number:

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 8th day of September 2023.



Kimberly Pearce
Paralegal
N.C. Department of Insurance
1201 Mail Service Center
Raleigh, NC 27699-1201