

STATE OF NORTH CAROLINA
COUNTY OF WAKE

BEFORE THE
COMMISSIONER OF INSURANCE

IN THE MATTER OF:

THE LICENSURE OF
BRITTANY BLOCKER
(NPN # 18057367)

Respondent.

ORDER AND
FINAL AGENCY DECISION

Docket Number: 2068

THIS MATTER was heard on November 17, 2021, by the undersigned Hearing Officer, designated by the North Carolina Commissioner of Insurance ("Commissioner") under N.C. Gen. Stat. § 58-2-55, pursuant to a Notice of Hearing that was duly issued and served.

Respondent Brittany Blocker ("Respondent") did not appear at the hearing.

The Agent Services Division ("ASD") of the North Carolina Department of Insurance ("NCDOI") was present at the hearing and was represented by Thomas J. Felling, Assistant Attorney General. NCDOI employee Sherri Bumgarner was present at the hearing.

ASD offered into evidence Petitioner's Exhibits 1 and 2, which were admitted into evidence.

Because Respondent failed to appear at the hearing and because Respondent's license previously lapsed, the undersigned Hearing Officer granted Petitioner's motion pursuant 11 NCAC 01 .0423 that the allegations set out in the Petition for Administrative Hearing be deemed to be proved without further evidence.

After careful consideration of the record as a whole, the Hearing Officer hereby makes the following:

FINDINGS OF FACT

1. Respondent had a North Carolina resident insurance producer license with lines of authority for Property and Casualty issued by the Department. Respondent's resident insurance producer license lapsed on November 30, 2020.

2. At all times relevant herein, Respondent was employed with the Dashiell Agency, Inc. ("the Agency") located in Elizabeth City, North Carolina.

3. While working for the Agency, Respondent was responsible for the daily remittance, compiling the nightly deposit in the deposit bag, and making the deposit each night to BB&T Bank after the agency closed.

4. On or around February 28, 2020, Allstate Insurance contacted the agency to inquire about a missing deposit for the February 24, 2020 remittance report which showed \$809 in cash and a check for \$225.50, together totaling \$1,033.50.

5. Agency staff reviewed deposit slips and remittance reports and discovered discrepancies in deposits of agency remittances beginning on January 30, 2020.

6. ASD reviewed remittance reports from January 27, 2020 through March 2, 2020 and observed two occasions where deposits were five business days late, one occasion where a deposit was four business days late, one occasions where a deposit was three business days late, two occasions where a deposit was two business days late, and eight occasions where a deposit was one business day late.

7. Out of twenty-five deposits made during the January 27, 2020 through March 2, 2020 time period, fifteen deposits were withheld and deposited late.

CONCLUSIONS OF LAW

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

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

3. 11 NCAC 04 .0429, entitled "Commingling," provides:

The accounting records maintained by agents, brokers, and limited representatives shall be separate and apart from any other business records and demonstrate at all times that collected funds due to insurers and return premiums due to policyholders are available at all times.

4. Respondent violated 11 NCAC 04 .0429 by failing to make timely remittance deposits so that premium funds were available to Allstate at all times they were due.

5. N.C. Gen. Stat. § 58-33-46(2) states that the Commissioner may place on probation, suspend, revoke, or refuse to renew a license if a licensee is “[v]iolating any insurance law of this or any other state, violating any administrative rule, subpoena, or order of the Commissioner.”

6. Respondent’s violation of 11 NCAC 04 .0429 is a violation of N.C. Gen. Stat. § 58-33-46(2) and is grounds for license revocation.

8. N.C. Gen. Stat. § 58-33-46(4) states that the Commissioner may place on probation, suspend, revoke, or refuse to renew a license if a licensee is “[i]mproperly withholding, misappropriating, or converting any monies or properties received in the course of doing insurance business.”

7. Respondent violated N.C. Gen. Stat. § 58-33-46(4) by failing to make timely remittance deposits so that premium funds were available to Allstate at all times they were due and this violation is grounds for license revocation.

9. N.C. Gen. Stat. § 58-33-46(8) states that the Commissioner may place on probation, suspend, revoke, or refuse to renew a license if a licensee is “Using fraudulent, coercive, or dishonest practices, or demonstrating incompetence, untrustworthiness, or financial irresponsibility in the conduct of business in this State or elsewhere.”

10. Respondent violated N.C. Gen. Stat. § 58-33-46(8) by failing to make timely remittance deposits so that premium funds were available to Allstate at all times they were due and this violation is grounds for license revocation.

ORDER

Based upon the foregoing Findings of Fact and Conclusions of Law, it is ORDERED that Respondent's license as a resident insurance producer be revoked.

This 9th day of December, 2021.



A. John Hoomani
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: 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:

Brittany Blocker
200 Canal Dr.
South Mills, NC 27976
(Respondent)

Certified Mail Tracking #: 70200640000031857852

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

This the 9th day of December, 2021.


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