

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
FIONA CHRISTINE BOWEN)	FINAL AGENCY DECISION
(NPN #19780523))	
)	Docket No. 2172
)	
Respondent.)	
)	

THIS MATTER was heard on March 14, 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 Fiona Christine Bowen did not appear.

Melody Hocutt, Complaint Analyst with Agent Services, appeared and testified for the Department. Agent Services offered into evidence Petitioner’s Exhibits 1 through 16, which were admitted into evidence. Petitioner’s Exhibits 1 and 2 were admitted for administrative purposes by the Hearing Officer.

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 February 10, 2024. See Pet’r Ex. 1 and 2.

2. 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.

3. Respondent currently holds a nonresident insurance producer license with lines of authority in Life, Accident and Health or Sickness, Medicare Supplement and Long Term Care. Respondent's North Carolina license was first active on or about February 9, 2022. *See* Pet'r Ex. 3 and 4.

4. Melody Hocutt, 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 Pennsylvania and Louisiana. *See* Pet'r Ex. 5.

5. On October 7, 2022, the Insurance Commissioner of the Commonwealth of Pennsylvania imposed a \$250.00 fine and issued a cease and desist against Respondent due to Respondent's nondisclosure of criminal activities. *See* Pet'r Ex. 7.

6. On July 3, 2023, the Insurance Commissioner of the Commonwealth of Pennsylvania suspended the Respondent's insurance producer license due to Respondent's non-payment of a fine. *See* Pet'r Ex. 8

7. On September 1, 2023, the Insurance Commissioner of the Commonwealth of Pennsylvania revoked the Respondent's insurance producer license. *See* Pet'r Ex. 9.

8. On March 28, 2023, the Louisiana Department of Insurance fined Respondent \$250.00 due to Respondent's failure to timely report the Pennsylvania administrative action to the State of Louisiana. *See* Pet'r Ex. 10.

9. On June 23, 2023, the Louisiana Department of Insurance suspended Respondent's insurance producer license due to non-payment of the fine imposed by the State of Louisiana. *See* Pet'r Ex. 11

10. Mrs. Hocutt testified that a licensee may report an administrative action against a 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 administrative actions from Pennsylvania and Louisiana in the NIPR Attachment Warehouse. *See* Pet'r Ex. 6.

11. Testimony and documentary evidence admitted at the hearing show that Respondent never notified NCDOI of the Pennsylvania and Louisiana administrative actions. *See* Pet'r Ex. 6 and 16.

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 Pennsylvania (effective October 7, 2022, July 3, 2023 and September 1, 2023) and Louisiana (effective March 28, 2023 and July 3, 2023) administrative actions within thirty (30) days of the effective dates of the actions pursuant to N.C. Gen. Stat. § 58-33-32(k). *See* Pet'r Ex. 7, 8, 9, 10, 11 and 16.

5. Respondent's failure to report and provide copies of adverse notices for the administrative actions from Pennsylvania 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. Disciplinary action should be taken against Respondent's license pursuant to N.C. Gen. Stat. § 58-33-46(a)(2) for violating N.C. Gen. Stat. § 58-33-32(k) by failing to the administrative actions from Pennsylvania and Louisiana within 30 days after final disposition.

8. Respondent's nonresident producer license should be revoked pursuant to N.C. Gen. Stat. § 58-33-46(a)(2) for violating N.C. Gen. Stat. § 58-33-32(k).

ORDER

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

This 4th day of April, 2024.



Robert D. Croom
Hearing Officer
N.C. Department of Insurance
1201 Mail Service Center
Raleigh, NC 27699-1201

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:

Fiona Christine Bowen
349 Green Ash Lane
Sanford, FL 32771
(Respondent)

Certified Mail Tracking #: 70222410000096625543

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

This the 5th day of April, 2024.


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