

regulating and licensing insurance producers, in accordance with Chapter 58 of the North Carolina General Statutes.

2. The Notice of Administrative Hearing and Petition for Administrative Hearing was properly served on Respondent by depositing in the United States Postal Service via first-class mail and via certified mail, return receipt requested, pursuant to N.C. Gen. Stat. §§ 58-2-69(b), (d) and (e) and Rule 4 of the North Carolina Rules of Civil Procedure. *See* Pet'r Exs. 1 and 2. The certified mail was delivered. *Id.*

3. Respondent holds an active non-resident North Carolina insurance producer license, National Producer Number 19830681, with lines of authority for Property and Casualty ("License"). *See* Pet'r Ex. 3. Respondent's License was first issued in North Carolina on August 10, 2021. *Id.* Respondent is a resident of Wisconsin. *Id.*

4. Jeff Miller is a Complaint Analyst with ASD, and his job responsibilities include handling licensure investigations of North Carolina insurance producers. This includes investigating reports from the Regulatory Information Retrieval System ("RIRS"), which is an automatic notification system through the National Association of Insurance Commissioners ("NAIC"). The RIRS reports administrative actions taken against a licensee.

5. Mr. Miller was assigned to investigate the RIRS report relating to Respondent, which the California Department of Insurance entered into NAIC on January 13, 2024. *See* Pet'r Ex. 4.

6. On January 10, 2024, the California Department of Insurance ("California") denied Respondent's application for an insurance producer license pursuant to California Insurance Code on the grounds that Respondent was refused a professional license in the State of Kansas and that Respondent was lacking in integrity. *See* Pet'r Exs. 4 and 8.

7. A licensee may report an administrative action by uploading a copy of the administrative action to the National Producer Registry ("NIPR") Attachment Warehouse or reporting the administrative action directly to NCDOI.

8. Pursuant to N.C. Gen. Stat. § 58-33-32(k), a licensee is obligated to report administrative actions to NCDOI within thirty (30) days. The NIPR Attachment Warehouse screenshot shows that Respondent did not report the administrative action from California within thirty (30) days from its effective date of January 10, 2024. *See* Pet'r Ex. 5. Furthermore, Respondent did not report the January 10, 2024 California administrative action directly to ASD.

9. On January 18, 2024, ASD sent written correspondence via first-class U.S. Mail to Respondent's mailing address of record and e-mailed a copy of the letter to Respondent's e-mail addresses of record requesting that Respondent report the January 10, 2024 California administrative action by February 10, 2024, pursuant to N.C. Gen. Stat. § 58-33-32(k). *See* Pet'r Ex. 7A. Furthermore, ASD requested that Respondent provide them with a written response, along with documentation regarding the California administrative action within ten (10) days. *Id.* Respondent failed to provide any response to this correspondence.

10. On January 29, 2024, ASD sent a follow-up email to Respondent noting that Respondent had failed to provide the documents requested in the January 18, 2024 letter. *See* Pet'r Ex. 7B. Respondent replied that same day indicating he hadn't received it and asking what he had to do. *See* Pet'r Ex. 7C. ASD responded that same day informing Respondent that he needed to provide documentation of the January 10, 2024 California administrative action. *Id.* Respondent did not provide the documentation.

11. On February 8, 2024, ASD sent another follow-up email to Respondent noting that Respondent had failed to provide the requested documents regarding the January 10, 2024 California administrative action. *See* Pet'r Ex. 7D. Respondent failed to provide any response to this correspondence.

12. On February 15, 2024, ASD sent another follow-up email to Respondent noting that Respondent had failed to provide the requested documents regarding the January 10, 2024 California administrative action. *See* Pet'r Ex. 7E. Respondent failed to provide any response to this correspondence.

13. On March 13, 2024, ASD sent written correspondence via first-class U.S. Mail to Respondent's mailing address of record and e-mailed a copy of the letter to Respondent's e-mail addresses of record requesting that Respondent attend an informal conference to discuss the January 10, 2024 California administrative action. *See* Pet'r Ex. 7F. The informal conference was scheduled for Respondent on April 22, 2024, at 2:00 p.m. eastern time via the telephone. *Id.* Respondent failed to provide any response to this correspondence.

14. On April 22, 2024, ASD and Respondent did not speak at the appointed time of the informal conference, but they did speak later that day about Respondent's failure to report the January 10, 2024 California administrative action.

15. On April 29, 2024, ASD sent a post informal conference e-mail to Respondent noting that Respondent had still not provided the requested documents regarding the January 10, 2024 California administrative action. *See* Pet'r Ex. 7G. The e-mail presented Respondent with several options, such as resolution of the matter via a Voluntary Settlement Agreement, a voluntary surrender of Respondent's

license, or the opportunity for an administrative hearing, and requested a response from Respondent by May 9, 2024. *Id.* The e-mail had a couple of typos, but it was well established at the time of this correspondence that Respondent was to provide documents regarding the January 10, 2024 California administrative action. Respondent failed to provide any response to this correspondence.

16. On May 14, 2024, ASD sent a follow-up e-mail to Respondent noting that Respondent had failed to provide a response to the April 29, 2024 e-mail. *See* Pet'r Ex. 7G. This e-mail informed Respondent that if a response was not received by May 24, 2024, they would begin the process to have an administrative hearing scheduled. *Id.* Respondent failed to provide any response to this correspondence.

17. As of the date of this hearing, Respondent has failed to report the January 10, 2024 California administrative action directly to NCDOI or via the NIPR Attachment Warehouse.

CONCLUSIONS OF LAW

1. This matter is properly before the Commissioner. 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 and Petition for Administrative Hearing pursuant to N.C. Gen. Stat. §§ 58-2-69(d) and (e) 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 within 30 days after the final disposition of the matter and to include a copy of the order or consent order and other information or documents filed in the proceeding necessary to describe the action. Respondent was required to report the California administrative action (effective January 10, 2024) within thirty (30) days of the action's effective date.

4. Respondent's failure to report and provide a copy of the administrative action from the State of California within thirty (30) days of the effective date of the 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 place on probation, suspend, or revoke the license of a licensee who has violated any insurance law of this or any other state, violated any administrative rule, subpoena, or order of the Commissioner or of another state's insurance regulator, or violated any rule of FINRA.

6. Respondent's non-resident insurance producer license should be suspended or revoked pursuant to N.C. Gen. Stat. § 58-33-46(a)(2) based upon his violation of N.C. Gen. Stat. § 58-33-32(k) for failing to report and provide a copy of the January 10, 2024 California administrative action within thirty (30) days of the action's final disposition.

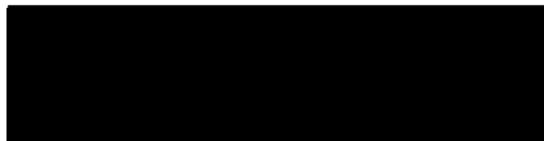
7. N.C. Gen. Stat. § 58-2-70(c) provides that if, under subsection (b) of this section, the Commissioner finds a violation of this Chapter, the Commissioner may, in addition to or instead of suspending or revoking the license, order the payment of a monetary penalty as provided in subsection (d) of this section. Respondent's failure to report and provide a copy of the January 10, 2024 California administrative action within thirty (30) days of the action's final disposition subjects Respondent's non-resident insurance producer license to suspension or revocation in accordance with N.C. Gen. Stat. § 58-2-70(b).

ORDER

BASED UPON the foregoing Findings of Fact and Conclusions of Law, the Hearing Officer enters the following:

It is ORDERED that Respondent's non-resident insurance producer license issued by the North Carolina Department of Insurance is hereby **REVOKED**, effective five (5) days from the signing of this Order.

This 12th day of November, 2024.



Shannon Wharry
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. § 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 copies of the same via certified U.S. Mail, return receipt requested and via first-class U.S. Mail to the Respondent at the addresses 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:

Durrton Branch
2973 N. 39th St.
Milwaukee, WI 53210
(Respondent)

Certified Mail Tracking Number: 9589 0710 5270 0742 5893 34

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

This 12th day of November, 2024.


Kimberly W. Rearse
Clerk of Court for Administrative Hearings
Paralegal III
N.C. Department of Insurance
General Counsel's Office
1201 Mail Service Center
Raleigh, NC 27699-1201