

NORTH CAROLINA DEPARTMENT OF INSURANCE
RALEIGH, NORTH CAROLINA

STATE OF NORTH CAROLINA)	BEFORE THE
COUNTY OF WAKE)	COMMISSIONER OF INSURANCE
)	
)	
IN THE MATTER OF:)	ORDER AND FINAL
)	<u>AGENCY DECISION</u>
THE LICENSURE OF:)	
ANDREA BRNADA)	Docket Number: 2120
(NPN #19062641))	
)	
Respondent.)	
)	

THIS MATTER was heard on May 11, 2023 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 Administrative Hearing that was duly issued and served.

Petitioner Agent Services Division ("Agent Services") of the North Carolina Department of Insurance ("NCDOI") was present at the hearing and was represented by Todd H. Neal, Assistant Attorney General.

Respondent, Andrea Brnada (hereinafter, "Respondent") did not appear at the hearing and was not represented by counsel.

Jeff Miller, Complaint Analyst, testified on behalf of Agent Services at the hearing. Agent Services offered into evidence Petitioner's Exhibits 1 through 17, which were admitted into evidence.

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 North Carolina Department of Insurance ("NCDOI") 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 and Petition for Administrative Hearing were properly served on Respondent on April 21, 2023. The Notice of Administrative Hearing, Petition for Administrative Hearing, and Affidavit of Service were admitted into evidence as Petitioner's Exhibits 1, 1A, and 2 respectively.

3. At all times relevant herein, Respondent held a Nonresident Insurance Producer License with lines of authority in Casualty and Property ("License"). Respondent's License was first active on March 12, 2019. Respondent's National Producer License Number (NPN) is 19062641. A copy of the Licensee Summary was admitted into evidence as Petitioner's Exhibit 3.

4. Jeff Miller, Complaint Analyst testified that Agent Services became aware of this matter via a report on the Regulatory Information Retrieval System ("RIRS"), which is an automatic notification system through the National Association of Insurance Commissioners ("NAIC"), that Respondent had received an adverse administrative action in Indiana. The RIRS report was admitted into evidence as Petitioner's Exhibit 4.

5. On or about January 4, 2022, the Indiana Department of Insurance, via written correspondence, notified Respondent it was suspending Respondent's non-resident insurance producer's license, effective immediately, for failing to provide a list of appointments within ten days of request in violation of Indiana law. That suspension constitutes an administrative action. A certified copy of that January 4, 2022 Suspension Order from the Indiana Department of Insurance was admitted into evidence as Petitioner's Exhibit 5.

6. Respondent failed to report that January 4, 2022 Indiana administrative action to the Commissioner within thirty (30) days after final disposition of that matter.

7. On or about August 5, 2022, Respondent entered into a consent agreement with the Louisiana Department of Insurance in which Respondent voluntarily surrendered her non-resident insurance producer's license effective August 30, 2022. That consent agreement advises that the surrender constitutes an administrative action. A certified copy of that August 30, 2022 consent agreement from the Louisiana Department of Insurance was admitted into evidence as Petitioner's Exhibit 14.

8. Respondent failed to report that August 30, 2022 Louisiana administrative action to the Commissioner within thirty (30) days of the final disposition of that matter.

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 in this matter.

3. N.C. Gen. Stat. § 58-33-32(k) requires a 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 failed to report to the Commissioner the January 4, 2022 Indiana administrative action as well as the August 30, 2022 Louisiana administrative action within thirty (30) days of the respective final dispositions of those matters and therefore violated N.C. Gen. Stat. § 58-33-32(k).

5. Pursuant to N.C. Gen. Stat. § 58-33-46(a)(2), one basis for the revocation of a license issued by NCDOI is violation of any insurance laws of North Carolina or any other state.

6. Respondent's violation of N.C. Gen. Stat. § 58-33-32(k) constitutes a violation of insurance laws of this state and is therefore grounds for license revocation under N.C. Gen. Stat. § 58-33-46(a)(2).

ORDER

Based upon the foregoing Findings of Fact and Conclusions of Law, it is ORDERED that Respondent's non-resident North Carolina Producer License be REVOKED effective as of the date of the signing of this Order.

This 28th day of June, 2023.


Alisha Benjamin
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 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; 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:

Andrea Brnada
1015 Bryn Mawr Avenue
Wickliffe, OH 44092
(Respondent)

Certified Mail Tracking Number: 70222410000096625130

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

This the 20th day of June, 2023.


Mary Faulkner
Paralegal III
N.C. Department of Insurance
General Counsel's Office
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Raleigh, NC 27699-1201