

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
ALLISON CAIN

Applicant.

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ORDER AND
FINAL AGENCY DECISION

Docket Number: 2300

THIS MATTER came on for hearing on July 23, 2025, in the Hearing Room of the North Carolina Department of Insurance located at 3200 Beechleaf Court, Wake County, North Carolina, before the undersigned Hearing Officer, as designated by the North Carolina Commissioner of Insurance (“Commissioner”) under N.C. Gen. Stat. § 58-2-55.

As set forth in the Petition for Administrative Hearing, the issue to be heard was whether the denial of the application of Allison Cain for issuance of a resident insurance producer license should be upheld.

Petitioner, the Agent Services Division of the North Carolina Department of Insurance (“Petitioner” or “Agent Services”), was represented by Assistant Attorney General Whitney Shaffer. Respondent Allison Cain (“Respondent” or “Applicant”) appeared and was not represented by counsel at the hearing.

Agent Services’ Exhibits 1 through 12 were admitted into evidence.

Respondent’s Exhibits 13 through 26 were admitted into evidence.

Dawne Pittman (“Ms. Pittman”), Insurance Regulatory Analyst, appeared and testified on behalf of Agent Services.

Respondent appeared and testified on her own behalf.

BASED UPON the careful consideration of the evidence and arguments presented at the hearing by Agent Services, and based upon the entire record in this proceeding, the Hearing Officer hereby makes the following Findings of Fact and Conclusions of Law:

FINDINGS OF FACT

1. Agent Services is a division of the North Carolina Department of Insurance (“NCDOI”), which is a state agency responsible, in accordance with Chapter 58 of the North Carolina General Statutes, for enforcement of insurance laws and regulating and licensing insurance producers.

2. Respondent is a resident of North Carolina. On November 19, 2024, Respondent applied for an insurance producer license with lines of authority in Property and Casualty (“the Application”). *See* Pet’s Ex. 3.

3. Service of the Notice of Administrative Hearing providing Respondent with due notice of the July 23, 2025, hearing was perfected on June 28, 2025, by delivery via certified U.S. mail, return receipt requested, addressed to Respondent at the residence address provided to Agent Services by Respondent. *See* Pet’s Ex. 2.

4. Dawne Pittman is an Insurance Regulatory Analyst with Agent Services. Among her other duties, she handles investigations of prospective North Carolina insurance producers.

5. In her November 19, 2024 Application, Respondent answered “Yes” to the following questions:

“Have you ever been convicted of a felony, had a judgment withheld or deferred, or are you currently charged with committing a felony?”;

“Has any demand been made or judgment rendered against you or any business in which you are or were an owner, partner, officer, or director, or member or manager of a limited liability company, for overdue monies by an insurer, insured or producer, or have you ever been subject to a bankruptcy proceeding?”; and

“Have you ever been named or involved as a party in an administrative proceeding, including FINRA sanction or arbitration proceeding regarding any professional or occupational license or registration?”

See Pet’s Ex. 3.

6. On or about August 30, 2000, Respondent was found guilty of Felony Fraud and False Statements in the United States District Court for the Southern District of Georgia. She was sentenced to a term of forty-six (46) months incarceration followed by a term of supervised release. *See* Pet’s Ex. 9 and 10.

7. On or about August 26, 1999, Respondent was party to a civil suit against her in the United States District Court for the Southern District of Georgia. That court found Applicant liable for preparing false tax returns for clients and ordered Applicant to pay restitution to sixteen (16) plaintiffs in the total amount of \$118,566.07. *See* Pet'r's Ex. 11 and 12. While no payments were made towards the judgment, the judgment has since expired pursuant to 18 U.S.C. § 3201(c) and is no longer enforceable.

8. In the course of the Application, Respondent requested a waiver under 18. U.S.C. § 1033(e) (the "1033 waiver") to allow her to engage in the business of insurance despite a prior felony conviction. *See* Pet'r's Ex. 7.

9. Respondent, as of the time of the hearing in this matter, had not received a 1033 waiver to allow her to engage in the business of insurance despite a prior felony conviction.

10. Respondent's Application was first denied January 7, 2025; the denial was upheld following a review hearing on March 18, 2025. *See* Pet'r's Ex. 4 and 5.

11. Respondent timely requested a formal hearing to review the denial of her Application on March 21, 2025. *See* Pet'r's Ex. 8.

12. In order for an applicant for licensure to be entitled to a review of the Commissioner's denial of licensure, the applicant must follow certain procedural steps including making a written demand for review no later than 30 days after service of the notification upon the applicant. The review is then to be completed without delay, with prompt notification to the applicant. If the applicant disagrees with the outcome of the review and wishes further review, the applicant must then make a written for a hearing no later than 30 days after service upon the applicant of the notification of the outcome of the review. The Respondent and the Department met their burden to comply with the procedural requirements for review under G.S. 58-33-46.

CONCLUSIONS OF LAW

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

2. Respondent was properly served with the Notice of Administrative Hearing in this matter and attended the July 23, 2025 hearing.

3. N.C. Gen. Stat. § 58-33-30(g) grants the Commissioner authority to deny an application for issuance of a license for any reason for which the license may

be suspended, revoked, or not renewed under N.C. Gen. Stat. § 58-33-46.

4. N.C. Gen. Stat. § 58-33-46(a)(6) provides that the Commissioner may refuse to renew a license for the applicant's having been "convicted of a felony or a misdemeanor involving dishonesty and a breach of trust."

5. The Commissioner had the authority to deny the application for licensure of the Respondent.

6. Respondent was convicted of felonies involving dishonesty when she was found guilty of Felony Fraud and False Statements. Respondent, as of the time of the hearing in this matter, had not received a 1033 waiver to allow her to engage in the business of insurance despite a prior felony conviction.

7. Based on the evidence received and the applicable law, the undersigned Hearing Officer concludes that Respondent's North Carolina insurance producer license should continue to be denied under N.C. Gen. Stat. § 58-33-46(a)(6) and (8).

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

ORDER

It is ORDERED that Respondent's application for a North Carolina Insurance Producer's license is hereby **DENIED**.

This 7 day of November, 2025.

A large black rectangular redaction box covering the signature of the hearing officer.

Amy Funderbark
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 address provided to the Commissioner pursuant to N.C. Gen. Stat. § 58-2-69(b); via courtesy e-mail to Respondent and via State Courier to Attorney for Petitioner, addressed as follows:

Allison M. Cain
301 Settlers Ridge Dr.
Kannapolis, NC 28081
mcaallc@gmail.com
(Respondent)

Certified Mail Tracking Number: 9589 0710 5270 2684 3157 67

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

This 7th day of November, 2025.


Raheema I. Moore
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