

**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)
KYLE COLLING) ORDER AND
(NPN #19234900)) FINAL AGENCY DECISION
Respondent.) Docket Number: 2283
)

THIS MATTER was heard on July 17, 2025, by the undersigned Hearing Officer, as designated by the Commissioner of Insurance pursuant to N.C. Gen. Stat. § 58-2-55. The administrative hearing was held in the Hearing Room of the North Carolina Department of Insurance, located at 3200 Beechleaf Court, Raleigh, Wake County, North Carolina.

Petitioner, Agent Services Division of the North Carolina Department of Insurance (“Petitioner” or “Agent Services”), was present and represented by Assistant Attorney General, Kristin K. Mullins. Respondent, Kyle Colling (“Respondent”), did not appear and was not represented by counsel at the hearing.

The undersigned Hearing Officer accepted and considered testimony and evidence offered by ASD in support of the Petition at the hearing. Petitioner's Exhibits 1-16 were admitted into evidence without limitation. Melody Hocutt ("Ms. Hocutt"), Complaint Analyst with Agent Services, appeared and testified on behalf of the Petitioner.

BASED UPON careful consideration of the allegations set forth in the Notice of Administrative Hearing (“Notice”) and attached Petition for Administrative Hearing (“Petition”) in this matter, as well as documentary and testimonial evidence presented at the hearing, the undersigned Hearing Officer hereby makes the following Findings of Fact and Conclusions of Law:

FINDINGS OF FACT

1. The North Carolina Department of Insurance (“Department”) is a state agency responsible, in accordance with Chapter 58 of the North Carolina General Statutes, for the enforcement of insurance laws of North Carolina and for regulating

and licensing insurance producers.

2. The Notice and Petition were properly served on Respondent pursuant to N.C. Gen. Stat. § 58-2-69(b), (d) and (e) and Rule 4 of the North Carolina Rules of Civil Procedure, by depositing in the United States Postal Service, for mailing by certified mail, return receipt requested and first-class mail, to the addresses provided to the Commissioner of Insurance (“Commissioner”). *See Pet’r’s Exs. 1 and 2.* Service was perfected when delivered to the business address of record via certified U.S. mail on May 15, 2025, and the first-class U.S. mail to Respondent’s residential address of record was not returned, as shown on the Affidavit of Service. *Id.*

3. A Continuance and Scheduling Order were properly served on Respondent pursuant to N.C. Gen. Stat. § 58-2-69(b), (d) and (e) and Rule 4 of the North Carolina Rules of Civil Procedure, by depositing in the United States Postal Service, for mailing by certified mail, return receipt requested and first-class mail to the addresses provided to the Commissioner. *See Pet’r’s Exs. 15 and 16.* Service was perfected when delivered to Respondent’s residential and business addresses of record on June 25, 2025, via Federal Express. *Id.*

4. Respondent holds an active North Carolina Nonresident Insurance Producer License issued by the Department with line of authority in Personal Lines (“License”). Respondent’s License was issued National Producer Number 19234900 and was first active on September 2, 2020. *See Pet’r’s Exs. 3 and 4.*

5. Respondent is a resident of New York. *Id.*

6. Ms. Hocutt is a Complaint Analyst with Agent Services, and her job responsibilities include handling investigations if another state takes administrative action against a licensee. Administrative actions are reflected on the Regulatory Information Retrieval System (“RIRS”) report, which is an automatic notification system through the National Association of Insurance Commissioners (“NAIC”). This system generates Personalized Information Capture System alerts (“PIC alert”) that notify the Department if another state has taken administrative action against a North Carolina licensee.

7. On or about September 6, 2024, the Kansas Department of Insurance (“Kansas”), entered an adverse administrative action against Respondent with an effective date of July 10, 2024. At such time, Agent Services received a PIC alert and became aware that Kansas denied Respondent’s application for licensure due to a misstatement on his Kansas insurance license application. *See Pet’r’s Ex. 5.*

8. As part of her investigation, Ms. Hocutt obtained a certified copy of the Decision on License Application (“Kansas Action”) issued by the Kansas against Respondent dated July 10, 2024. *See Pet’r’s Ex. 7.*

Kansas gave Respondent fifteen (15) days (with an additional three (3) days for service) to respond to this matter, either by requesting a hearing or by signing and returning the Consent Order. *Id.* It was noted that if the Respondent did not request a hearing or enter into a Consent Order, the Kansas Action would become final and Respondent would be required to report the administrative action to any other state where Respondent was currently licensed, in accordance with requirements of each state. *Id.*

9. 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 within 30 days after the final disposition of the matter. The report “shall include a copy of the order or consent order and other information or documents filed in the proceeding necessary to describe the actions.”

10. A licensee may report an administrative action taken against their license to the Department by uploading a copy of the administrative action to the National Insurance Producer Registry (“NIPR”) Attachment Warehouse or reporting the administrative action directly to the Department via fax, mail or e-mail. Respondent did not upload any documents regarding the Kansas Action at any time prior to this proceeding, as evidenced by a screenshot captured of Respondent’s NIPR Attachment Warehouse. *See Pet’r’s Ex. 6.*

11. As of the date of the hearing, Respondent has not reported the Kansas Action to the Department by any available means. *See Pet’r’s Ex. 8.*

12. On September 13, 2024, Agent Services sent correspondence to Respondent’s e-mail address of record, advising Respondent that the Kansas Action should have been reported to the Department in accordance with N.C. Gen. Stat. § 58-33-32(k). *See Pet’r’s Ex. 9.* Petitioner requested that Respondent provide a written response and a copy of the Kansas Action within ten (10) days. *Id.* Respondent did not respond to Petitioner’s requests for documents and information.

13. On September 30, 2024, Agent Services made a second attempt for response by e-mail to Respondent’s e-mail address of record. *See Pet’r’s Ex. 10.* This correspondence notified Respondent that if he did not reply within ten (10) days, Petitioner would consider him in violation of N.C. Gen. Stat. §§ 58-2-185 and 58-2-195. *Id.* Again, Respondent did not respond to Petitioner as requested.

14. On October 15, 2024, Agent Services made a third attempt for communication via e-mail to Respondent’s e-mail address of record. *See Pet’r’s Ex. 11.* This correspondence reminded Respondent of the two prior e-mailed correspondences from Agent Services and notified Respondent again that if he did not reply within ten (10) days, Petitioner would consider him in violation of N.C. Gen.

Stat. §§ 58-2-185 and 58-2-195 and may proceed with administrative action against his license. *Id.* Respondent did not respond to Petitioner as requested.

15. On November 15, 2024, Agent Services sent an informal conference notice to Respondent indicating that an informal conference was to be held on December 2, 2024, at 11:30 a.m. by telephone, at the number provided to the Commissioner. *See Pet'r's Ex. 12.* This informal conference notification was sent by both e-mail and by first class U.S. Postal Service to Respondent's addresses of record. *Id.* Respondent did not respond.

16. On November 26, 2024, Agent Services sent follow-up correspondence via e-mail to Respondent's e-mail of record as a courtesy reminder to Respondent of the informal conference scheduled for December 2, 2024, and provided the telephone number they would be contacting him at. *See Pet'r's Ex. 13.* Respondent failed to provide any response to this correspondence.

17. Agent Services attempted to hold the informal conference with Respondent as scheduled on December 2, 2024, at 11:30 a.m., however Petitioner was unable to reach Respondent at any of the telephone numbers provided to the Commissioner. *See Pet'r's Exs. 8.* Respondent did not answer, call back or participate in meeting with Petitioner to discuss the matter. *Id.*

18. On December 17, 2024, Agent Services sent correspondence to Respondent's electronic and physical addresses of record, notifying him that Petitioner would be seeking an administrative hearing. Petitioner alleged that Respondent's failure to report the Kansas action was grounds for administrative action pursuant to N.C. Gen. Stat. § 58-33-46(a0(2) for a violation of N.C. Gen. Stat. § 58-33-32(k). *See Pet'r's Exs. 8 and 14.*

BASED UPON the foregoing Findings of Fact, the undersigned Hearing Officer makes the following:

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. The Notice of Administrative Hearing was properly served on respondent pursuant to N. C. Gen. Stat. §150B-38(c).

3. The Continuance and Scheduling Order was properly served on

respondent pursuant to N. C. Gen. Stat. §150B-38(c).

4. N.C. Gen. Stat. § 58-33-46(a)(2) allows the Commissioner to place on probation, suspend, revoke any license issued by the Department for a licensee violating any insurance law of this or any other state or for violating any administrative rule, subpoena, or order of the Commissioner or of another state's insurance regulator.

5. N.C. Gen. Stat. § 58-33-32(k) is a North Carolina insurance law which requires an insurance producer to report to the Commissioner "any administrative action" taken against the producer by another state "within thirty (30) days after the final disposition of the matter. This report "shall include a copy of the order or consent order and other information or documents filed in the proceeding necessary to describe the action."

6. Respondent failed to timely report, or indeed ever report the July 10, 2024 Kansas Administrative Action to the Department, despite Petitioner's numerous correspondences notifying Respondent of this requirement. Respondent violated the insurance law of North Carolina within the meaning of N.C. Gen. Stat. § 58-33-46(a)(2) by failing to report the administrative action from Kansas within thirty (30) days of the final disposition, or ever, as required by N.C. Gen. Stat. § 58-33-32(k).

7. The undersigned also gives weight to the evidence that Respondent was unresponsive to five attempts by Petitioner to communicate with Respondent by email, first class USPS mail, and telephone using all contacts provided to the Department. It is further noted that Respondent's failure to respond to Petitioner was analogous to the findings of the Kansas Department of Insurance Decision on License Application which displayed a disregard to communicate or provide information upon request of the regulator. *See Pet'r's Ex. 7.*

8. N.C. Gen. Stat. § 58-2-195 gives Petitioner the authority to request reports, records, and other information from insurance producers licensed in the state of North Carolina. With this authorization, the Commissioner requires that licensees provide related information to Petitioner "on demand" pursuant to N.C. Gen. Stat. §§ 58-2-185 and 58-2-195. By failing to respond to multiple requests for information and records from Agent Services, Respondent violated N.C. Gen. Stat. §§ 58-2-185 and 58-2-195 and is therefore subject to disciplinary action for his lack of responsiveness to the regulatory agency issuing Respondent's license.

9. Based on the evidence presented, and the applicable law, the undersigned Hearing Officer concludes that statutory authority exists for revocation of Respondent's North Carolina nonresident insurance producer license pursuant to N.C. Gen. Stat. § 58-33-46(a)(2) for Respondent's violations of N.C. Gen. Stat. §§ 58-

2-185, 58-2-195 and 58-33-32(k).

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

ORDER

It is ORDERED that Respondent's nonresident insurance producer license issued by the North Carolina Department of Insurance is hereby **REVOKE**D effective as of the date of the signing of this Order.

This 31st day of December, 2025.

[Redacted]
Alisha Benjamin
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. § 1 A-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, including explicitly stating what exceptions are taken to the decision or procedure and what relief the petitioner seeks, and requires service of the Petition by personal service or by certified mail upon all who were parties of record to the administrative proceedings. 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 Respondent at the addresses provided to the Commissioner pursuant to N.C. Gen. Stat. § 58-2-69(b), (d) and (e); via courtesy e-mail to Respondent; and via State Courier to Attorney for Petitioner, addressed as follows:

KYLE COLLING
5239 GENESEE STREET
BOWMANSVILLE, N.Y. 14026-1051
kcolling@geico.com
(Respondent)

Certified Mail Tracking Number: 9589 0710 5270 3764 5810 34

KYLE COLLING
C/O GEICO
300 CROSSPOINT PARKWAY
GETZVILLE, N.Y. 14068-1606
(Respondent)

Certified Mail Tracking Number: 9589 0710 5270 3764 5801 41

Kristin K. Mullins
Assistant Attorney General
N.C. Department of Justice
Insurance Section
9001 Mail Service Center
Raleigh, NC 27699-9001
kmullins@ncdoj.gov
(Attorney for Petitioner)

This the 31st day of December, 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