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 DONALD CORINTHIAN (NPN #20003052) Respondent.	)))))))))	ORDER AND <u>FINAL AGENCY DECISION</u> Docket Number: 2251

THIS MATTER was heard on January 28, 2026, 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, Donald Corinthian ("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 Agent Services in support of the Petition at the hearing. *See* Pet'r's Ex. 1. Petitioner's Exhibits 1 through 19 were admitted into evidence without limitation.

Jeffrey Miller ("Mr. Miller"), 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"), the attached Petition for Administrative Hearing ("Petition"), 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:

<u>FINDINGS OF FACT</u>

1. Agent Services is a division of the North Carolina Department of

Insurance ("Department"), which 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. Respondent holds an active North Carolina Non-resident Insurance Producer License issued by the Department with lines of authority in Accident & Health or Sickness and Medicare Supplement/Long Term Care ("License"). Respondent's License was issued National Producer Number (NPN) 20003052 and was first active on August 20, 2021. *See* Pet'r's Exs. 7 and 8.

3. The Order Granting Petitioner's Motion to Continue Administrative Hearing and Scheduling Order, Petitioner's Motion to Continue Hearing and Notice of Administrative Hearing, with the Petition for Administrative Hearing were properly served on Respondent by depositing with a designated delivery service, FedEx-Priority Overnight, to the addresses provided to the Commissioner of Insurance ("Commissioner"). *See* Pet'r's Exs. 1 through 6. Service was perfected when delivered via FedEx-Priority Overnight, on December 27, 2025, to the residential and mailing address on record, as shown on the Affidavit of Service. *See* Pet'r's Ex. 6.

4.

5. At all relevant times, Respondent was a resident of Florida. Respondent's residential, business and mailing address on record with the Department are located in Florida. *Id.*

6. Mr. Miller is a Complaint Analyst with Agent Services, and his job responsibilities include handling enforcement files and investigations of licensees if another state takes administrative action. 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 January 24, 2024, the Kansas Department of Insurance ("Kansas") entered an adverse administrative action against Respondent with an effective date of January 17, 2023. *See* Pet'r's Ex. 9. 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. *Id.*

8. As part of his investigation, Mr. Miller obtained a certified copy of the Decision on License Application ("Kansas Action") issued by the Kansas Department of Insurance against Respondent dated January 17, 2023. *See* Pet'r's Ex. 12.

9. Agent Services learned that Kansas gave Respondent fifteen (15) days (with an additional three (3) days for service) to respond to this matter by requesting a hearing. *Id.* The Kansas regulatory action noted that if the Respondent did not request a hearing, 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.*

10. 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. *See* N.C. Gen. Stat. § 58-33-32(k). 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." *Id.*

11. 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. *See* Pet'r's Exs. 10 and 10a.

12. The NIPR Attachment Warehouse screenshot shows that Respondent uploaded a letter of explanation on September 23, 2024, regarding the Kansas Action, but failed to upload "a copy of the order or consent order and other information or documents filed in the proceeding necessary to describe the actions" as required by N.C. Gen. Stat. § 58-33-32(k). *Id.*

13. As of the date of this hearing, Respondent had not reported the Kansas Action to the Department by any available means. *See* Petr's Ex. 11.

14. Additionally, during Mr. Miller's investigation, Agent Services became aware that Respondent had a prior conviction that was not previously disclosed to the Department at the time of his application. Mr. Miller obtained a certified copy of the Respondent's criminal record from Hendry County Florida Clerk of Circuit Court. *See* Pet'r's Ex. 14. On February 27, 2019, Judge Darrell R. Hill signed a Judgment of Guilt and Placing Defendant on Probation which showed Respondent entered a Plea of Nolo Contendere to Petit Theft in Court Case Number 19-000064MM in Hendry County, Florida (2019 misdemeanor). *Id.*

15. On August 19, 2021, when Respondent first applied to the Department seeking a non-resident insurance producer license, Respondent's 2019 misdemeanor was not disclosed. *See* Pet'r's Ex. 13. On his application, Respondent answered "no" to background question #1a which asked "[h]ave you ever been convicted of a

misdemeanor, had a judgment withheld or deferred, or are you currently charged with committing a misdemeanor?" *Id.*

16. A licensee is obligated to submit a license application to become an insurance producer that is materially correct, not misleading, complete, and materially true. *See* N.C. Gen. Stat. § 58-33-46(a)(1). On the August 19, 2021 non-resident insurance producer license application, Respondent provided materially incorrect and material untrue information in the license application when he indicated that he had never been convicted of a misdemeanor.

17. Respondent eventually submitted two statements and court records to the NIPR Attachment Warehouse pertaining to the 2019 misdemeanor conviction. *See* Pet'r's Exs. 10 and 10b. Respondent did not submit the documentation until October 19, 2022 and November 8, 2022, fourteen (14) and fifteen (15) months after Respondent applied for and was issued his non-resident producer license. *Id.*

18. On February 5, 2024, Agent Services sent correspondence via e-mail, to Respondent's e-mail address of record, informing Respondent that Agent Services was aware of the unreported Kansas Action, and that it should have been reported within thirty (30) days of January 17, 2023, per N.C. Gen. Stat. § 58-33-32(k). *See* Pet'r's Exs. 11 and 15. Furthermore, this correspondence advised Respondent that Agent Services had received information regarding his 2019 misdemeanor conviction, on or about February 25, 2019, which was not disclosed on Respondent's August 19, 2021, North Carolina non-resident insurance producer application. *Id.* The e-mail further requested that Respondent provide a written response, along with any documentation regarding these matters, within ten (10) days. *Id.* Respondent did not respond to Petitioner's request for documents and information.

19. On February 15, 2024, Agent Services made a second attempt for response by e-mail to Respondent's e-mail address of record. *See* Pet'r's Exs. 11 and 16. 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.* Respondent did not respond to this correspondence from the Department.

20. On March 15, 2024, Agent Services sent an informal conference notice to Respondent scheduling an informal conference involving the Kansas administrative action, to be held on April 25, 2024, at 10:00 a.m., by telephone, at the numbers provided to the Commissioner. *See* Pet'r's Exs. 11 and 17. 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 to either the e-mail or first-class mail.

21. Agent Services attempted to hold the informal conference with Respondent as scheduled April 25, 2024, at 10:00 a.m.; however, Petitioner was unable to reach Respondent at any of the telephone numbers that were provided to the Commissioner. *See* Pet'r's Exs. 11 and 18. Respondent responded after hours on April 25, 2024 with an apology and a request to be contacted at the telephone number and e-mail address of record. *Id.* Ultimately, it was decided between the Petitioner and Respondent that the informal conference, due to the work conflicts of Respondent, would be rescheduled and held for Respondent on May 14, 2024, at 9:00 a.m. via telephone. *Id.*

22. On May 14, 2024 as scheduled an informal telephonic conference was held and Respondent participated. After communications between Agent Services and Respondent, the parties were unable to settle the matter prior to this administrative hearing.

23. On June 4, 2024, Agent Services sent correspondence to Respondent's electronic and physical addresses of record, notifying him that Petitioner would be seeking an administrative hearing. *See* Petr's Exs. 11 and 19. No further communication was had between Agent Services and Respondent since the May 14, 2024 informal conference and June 4, 2024 correspondence.

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. § 58-2-69(b), (d) and (e), N.C. Gen. Stat. § 150B-38(c), and Rule 4 of the North Carolina Rules of Civil Procedure.

3. 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.

4. 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 "shall include a copy of the order or consent order and other information or documents filed in the proceeding necessary to describe the action."

5. Respondent failed to timely report, or indeed ever report, the January 17, 2023 Kansas Action to the Department, despite Petitioner's numerous correspondence s 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). However, although not within the required thirty (30) day timeframe, Respondent did provide the Department with a September 23, 2024 letter of explanation regarding the Kansas Action, constituting a late reporting of the Kansas Action.

6. N.C. Gen. Stat. § 58-33-46(a)(1) provides that the Commissioner may place on probation, suspend, revoke or refuse to issue or renew any license issued under Article 58 of the General Statutes of North Carolina for a licensee providing materially incorrect, misleading, incomplete, or materially untrue information in the license application.

7. Respondent's denial of ever having a misdemeanor conviction on his August 19, 2021 no-resident insurance producer license application was a materially incorrect and materially untrue answer as Respondent had a 2019 misdemeanor conviction. By failing to disclose his misdemeanor conviction on his license application, Respondent provided materially incorrect and untrue information in his license application, in violation of N.C. Gen. Stat. § 58-33-46(a)(1). However, although fourteen (14) and fifteen (15) months after his application and receipt of his non-resident insurance producer license, respectively, Respondent did provide the Department with materially correct and true information pertaining to the 2019 misdemeanor.

8. The undersigned also gives weight to the evidence that Respondent was unresponsive to several attempts by Petitioner to communicate with him by e-mail, 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. However, to the contrary, the undersigned does recognize the effort Respondent did make to right these wrongs and become compliant, including providing the Department with an letter of explanation regarding the Kansas Action, providing information regarding the 2019 misdemeanor (the nature of the offense) and participation in the informal conference with the Department.

9. N.C. Gen. Stat. § 58-2-70(c) provides that where the Commissioner finds

a violation authorizing disciplinary action, the Commissioner may, in addition to or instead if suspending or revoking the license, order the payment of a monetary penalty. Respondent's failure to timely report and provide a copy of the Kansas Action within thirty (30) days of the actions final disposition and failure to disclose his 2019 misdemeanor conviction on his license application subjects Respondent's non-resident insurance producer license to suspension or revocation disciplinary action.

10. In lieu of license revocation, as requested by the Petitioner, the Hearing Officer finds that pursuant to N.C. Gen. Stat. § 58-2-70 (c) a civil penalty of $500.00 is appropriate for Respondent's late reporting of the Kansas Action in violation of N.C. Gen. Stat. § 58-33-32(k) and Respondent's failure to disclose the 2019 misdemeanor at the time of his license application in violation of N.C. Gen Stat. § 58-33-46(a)(1). Respondent's violations subject his non-resident insurance producer license to suspension based on sufficient grounds.

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

ORDER

It is hereby ORDERED that pursuant to N.C. Gen. Stat. § 58-2-70(c), Respondent Donald Corinthian shall pay a civil penalty in the amount of five hundred dollars ($500.00) for violation of N.C. Gen. Stat. §§ 58-33-32(k) and 58-33-46(a)(1). Respondent's North Carolina non-resident producer license shall be SUSPENDED for 30 days, until such time as the civil penalty is paid.

Payment of this civil penalty shall be by certified funds, to include either certified bank check, cashier's check, or money order, made payable to the "North Carolina Department of Insurance" and submitted to the attention of Jeffrey Miller, Complaint Analyst, Agent Services Division.

This civil penalty shall be subject to disbursement in accordance with the provisions of Article IX, Section 7 of the North Carolina Constitution for the benefit of the public schools. Failure to comply with the terms of this Order may provide grounds for revocation of Respondent's non-resident insurance producer license for violation of an Order of the Commissioner.

This 1 day of July, 2026.

[redacted]
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 address 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 and courtesy e-mail to Attorney for Petitioner, addressed as follows:

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This the 1st day of July, 2026.

[redacted]

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