

**NORTH CAROLINA DEPARTMENT OF INSURANCE  
RALEIGH, NORTH CAROLINA**

**Docket Number: D-1795**

**STATE OF NORTH CAROLINA**

**COUNTY OF WAKE**

**IN THE MATTER OF THE  
LICENSURE OF  
SANDRA FOWLER  
NPN # 17325078**

**BEFORE THE COMMISSIONER  
OF INSURANCE**

**FINAL AGENCY DECISION  
AND ORDER**

This matter was heard on Wednesday, May 12, 2016, by the undersigned Hearing Officer, as designated by the Commissioner of Insurance, pursuant to North Carolina General Statutes §§ 58-2-50, 58-2-55, 58-2-70, 58-33-30, 58-33-31, 58-33-46, 150B-38, 150B-39, 150B-40 and 11 NCAC 1.0401 *et seq.* and other applicable statutes and regulations. The administrative hearing was held in Room 3099 of the Dobbs Building, located at 430 North Salisbury Street, Raleigh, Wake County, North Carolina. Assistant Attorney General Rebecca E. Lem represented the North Carolina Department of Insurance (hereinafter, "Department"), Agent Services Division (hereinafter "Agent Services" or "ASD"). Sandra Fowler (hereinafter, "Respondent") did not appear.

Mr. Jeffrey O'Bannon, Complaint Analyst, testified for Agent Services, and documentary evidence was presented. After careful consideration of the evidence and arguments presented, and based on the record as a whole, the Undersigned makes the following Findings of Fact and Conclusions of Law:

**FINDINGS OF FACT**

1. The Notice of Administrative Hearing was properly served on Respondent pursuant to Rule 4 of the North Carolina Rules of Civil Procedure.
2. The General Assembly of North Carolina has delegated to the Commissioner of Insurance and the Department the authority and responsibility for the enforcement of Chapter 58 of the North Carolina General Statutes, including regulating and licensing insurance agents under Article 33 of that Chapter.
3. Respondent is a resident of Concord, NC, and holds a resident producer license issued by the Department with lines of authority in the areas of Life and Accident and Health or Sickness and Medicare Supplement and Long Term Care.
4. Documentary evidence admitted at the hearing and testimony show that Respondent received an administrative action against her California insurance license in the form of a

license denial effective February 4, 2015, for failure to report another state's action, and for criminal convictions, which are grounds for denial pursuant to California Insurance Code Sections 1668(b), 1668(e), 1668(f), 1668(i), and 1669(c).

5. Documentary evidence admitted at the hearing and testimony show that Respondent at no time thereafter reported the California administrative action to the Department or to the NIPR.
6. Documentary evidence admitted at the hearing and testimony show that Respondent received an administrative action against her Virginia insurance license in the form of a revocation effective April 23, 2015, for failure to make a required disclosure on her license application in violation of § 38.2-1831(l) of the Code of Virginia.
7. Documentary evidence admitted at the hearing and testimony show that Respondent at no time thereafter reported the Virginia administrative action to the Department or to the NIPR.
8. Documentary evidence admitted at the hearing and testimony show that the Department contacted the Respondent regarding Respondent's failure to report the California and Virginia administrative actions on several occasions between May 11, 2015 and August 4, 2015, by letter and email, and that the Respondent never responded to the Department's two written requests for a response.
9. Documentary evidence admitted at the hearing and testimony show that Complaint Analyst O'Bannon spoke to the Respondent by phone on June 18, 2015, at which time Mr. O'Bannon advised Respondent of the statutory requirement to report administrative actions to the Department within thirty (30) days of said actions pursuant to N.C.G.S. § 58-33-32(k).
10. Documentary evidence admitted at the hearing and testimony also show that the Respondent twice failed to appear at scheduled informal conference meetings on August 3, 2015 and September 15, 2015 with the Department regarding Respondent's failure to report the California and Virginia administrative actions. Complaint Analyst O'Bannon testified that following the second time the Respondent failed to appear at a scheduled informal conference, the matter was referred for a hearing.
11. Documentary evidence admitted at the hearing and testimony show that following Mr. O'Bannon's telephone conversation with Ms. Fowler during which he advised her of the statutory requirement to report administrative actions to the Department within thirty (30) days, she subsequently had administrative actions against her licenses in seven (6) other states, as set forth below, none of which she reported to the Department or to NIPR.
12. Documentary evidence admitted at the hearing and testimony show that Respondent received an administrative action against her Maine insurance license in the form of a revocation effective July 9, 2015, for failure to make a required disclosure on her license application, her criminal history, and failure to report other states' actions in violation of

24-A M.R.S. §§ 1420-K(1)(A), 1420-K(1)(B) and 1420-K(1)(I), for which her license was revoked.

13. Documentary evidence admitted at the hearing and testimony show that Respondent at no time thereafter reported the Maine administrative action to the Department or to the NIPR.
14. Documentary evidence admitted at the hearing and testimony show that Respondent received an administrative action against her Indiana insurance license in the form of a revocation effective July 13, 2015, for failure to report a list of appointments in violation of Indiana Code 27-1-15.6-12(g) for which her license was suspended.
15. Documentary evidence admitted at the hearing and testimony show that Respondent at no time thereafter reported the Indiana administrative action to the Department or to the NIPR.
16. Documentary evidence admitted at the hearing and testimony show that Respondent received an administrative action against her Ohio insurance license in the form of a voluntary license surrender for cause effective August 4, 2015.
17. Documentary evidence admitted at the hearing and testimony show that Respondent at no time thereafter reported the Ohio administrative action to the Department or to the NIPR.
18. Documentary evidence admitted at the hearing and testimony show that Respondent received an administrative action against her Georgia insurance license in the form of a revocation effective September 22, 2015, for failure to respond, for which her license was indefinitely suspended pursuant to O.C.G.A. § 33-23-21(14)(B).
19. Documentary evidence admitted at the hearing and testimony show that Respondent at no time thereafter reported the Georgia administrative action to the Department or to the NIPR.
20. Documentary evidence admitted at the hearing and testimony show that Respondent received an administrative action against her Louisiana insurance license in the form of a revocation effective December 2, 2015, for failure to make a required disclosure on her license application and failure to report other states' actions in violation of La. R.S. 22:1554(A)(2), La. R.S. 22:1554(A)(13), and La. R.S. 22:1554(A)(14), for which her license was revoked.
21. Documentary evidence admitted at the hearing and testimony show that Respondent at no time thereafter reported the Louisiana administrative action to the Department or to the NIPR.
22. Documentary evidence admitted at the hearing and testimony show that Respondent received an administrative action against her North Dakota insurance license in the form of a revocation effective March 3, 2016, for failure to report other states' actions and

failure to respond in violation of N.D.C.C. §§ 26.1-26-15, 26.1-26-42(14), and 26.1-26-45.1(1), for which her license was revoked.

23. Documentary evidence admitted at the hearing and testimony show that Respondent at no time thereafter reported the North Dakota administrative action to the Department or to the NIPR.
24. There is substantial evidence that supports the foregoing findings. Additionally, due to Respondent's failure to appear at the administrative hearing, the undersigned Hearing Officer finds, pursuant to 11 N.C.A.C. 1.0423(a)(1), that the allegations set out in the Notice of Administrative Hearing are taken as true and are deemed to be proved without the need of further evidence. The allegations set out in the Notice of Administrative Hearing are incorporated by reference as if set forth herein.

#### CONCLUSIONS OF LAW


1. This matter is properly before the Commissioner, and the Commissioner has jurisdiction over the parties and the subject matter pursuant to Chapter 58 of the North Carolina General Statutes.
2. Respondent was timely and properly served with the Notice of Administrative Hearing.
3. Respondent violated N.C. Gen. Stat. § 58-33-32(k) by failing to notify Department of the administrative actions taken against her insurance licenses by the departments of insurance of the states of California, Virginia, Maine, Indiana, Ohio, Georgia, Louisiana, and North Dakota within thirty (30) days of the dates of these administrative actions. These violations of N.C. Gen. Stat. § 58-33-32(k) are violations of the insurance laws of North Carolina for which her license may be revoked pursuant to N.C. Gen. Stat. § 58-33-46(a)(2).
4. Respondent's violations of the insurance laws of Virginia, Maine, Indiana, and North Dakota as set forth above are additional grounds for which is license may be revoked pursuant to N.C. Gen. Stat. § 58-33-46(a)(2).
5. Respondent's license should be revoked.

Based on the foregoing Finding of Facts and Conclusions of Law, the Hearing Officer enters the following:

**ORDER**

It is ordered that the non-resident producer license of Respondent Sandra Fowler is hereby revoked.

This the 31<sup>st</sup> day of May, 2016.

  
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Stewart Johnson, Hearing Officer  
North Carolina Department of Insurance  
1201 Mail Service Center  
Raleigh, North Carolina 27699-1201

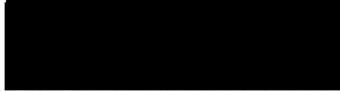
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I have this day served the foregoing ORDER by certified mail, return receipt requested, first class postage prepaid, addressed as follows:

Sandra Fowler  
42 American Ave.  
Concord, NC 28025

This 1<sup>st</sup> day of July, 2016.

ROY COOPER  
ATTORNEY GENERAL

  
\_\_\_\_\_  
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