

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  
CHRISTOPHER GEORGE  
(NPN #19821426)

Respondent.

ORDER AND  
FINAL AGENCY DECISION

Docket Number: 2146

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**THIS MATTER** was heard on November 30, 2023, 2023, 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 Room #131 of the Albemarle Building, located at 325 North Salisbury Street, Raleigh, North Carolina.

Petitioner, the Agent Services Division of the North Carolina Department of Insurance ("Petitioner" or "ASD"), was present and represented by Special Deputy Attorney General, Gina M. Von Oehsen Cleary. Gwen Harris, Licensing/Complaint Analyst with ASD, appeared and testified on behalf of the Petitioner. Respondent, Christopher George, ("Respondent") did not appear and was not represented by counsel at the hearing.

ASD moved for the imposition of sanctions pursuant to 11 N.C.A.C. 1.0423(a), for Respondent's failure to appear at the hearing. Petitioner's motion for sanctions was DENIED. The undersigned Hearing Officer accepted and considered testimony and evidence offered by ASD in support of the Petition at the hearing. *See* Petitioner's Exhibit 1.

Petitioner's Exhibits 1, 2, 2A-B, 3, 3A, 4, 4A, 5-7, 7A, 8-15, and 15A were admitted into evidence.

The Petition for Administrative Hearing alleged that Respondent violated N.C. Gen Stat. § 58-33-32(k) and §58-33-46(a)(2) for failure to report other states' administrative actions.

BASED UPON careful consideration of the evidence, arguments presented at the hearing by ASD, and 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. Service of the Notice of Administrative Hearing and Petition for Administrative Hearing, providing Respondent with due notice of the November 30, 2023 hearing was deemed perfected on November 3, 2023, pursuant to N.C. Gen. Stats. §§ 58-2-69(d) and (e), as evidenced by the Affidavit of Service. *See* Petitioner's Exhibit 1 at p. 2 and Exhibits 2, 2A and 2B.

2. In accordance with Chapter 58 of the North Carolina General Statutes, the North Carolina Department of Insurance ("NCDOI") is a state agency responsible for the enforcement of the insurance laws of North Carolina and for regulating and licensing insurance producers.

3. Respondent Christopher George holds an active resident North Carolina Insurance Producer License with lines of authority for both Life and Personal Lines ("License"). Respondent's License was first active in North Carolina on April 9, 2021. *See* Petitioner's Exhibits 3, 3A, 4, and 4A.

4. Ms. Gwen Harris ("Harris") is a Licensing/Complaint Analyst with ASD and, as part of her job responsibilities, handles enforcement files for ASD. Enforcement files include responding to complaints and handling Personalized Information Capture System's Alerts ("PIC Alerts") received through the National Association of Insurance Commissioners ("NAIC") system. PIC Alerts are sent to NCDOI by NAIC if another state takes administrative actions against a North Carolina licensee. Harris was assigned the PIC Alert relating to Respondent Christopher George that was entered into the NAIC system by the Louisiana Department of Insurance on August 31, 2022. *See* Petitioner's Exhibit 5. Harris handled the investigation of Petitioner's enforcement file for ASD from November 7, 2022 up until the date of the hearing.

5. Harris, during her investigation of the enforcement file relating to Louisiana, reviewed various documents relating to Respondent. These documents included Respondent's state-based system licensee summaries (*see* Petitioner's Exhibits 3 and 3A), Respondent's NAIC state-licensing reports (from North Carolina) from the Producer Database (*see* Petitioner's Exhibits 4 and 4A), Respondent's reports listed on the Regulatory Information Retrieval System ("RIRS") (*see* Petitioner's Exhibits 5 and 11), and Respondent's uploads to Respondent's profile in the National Insurance Producer Registry ("NIPR") Attachment Warehouse (*see* Petitioner's Exhibits 6 and 6A). The Attachment Warehouse is the database used by all the states participating in the NAIC. The NIPR Attachment Warehouse electronically receives and stores data which is made available to members of the NAIC system, including ASD complaint analysts.

6. On September 7, 2022, Harris, as part of her enforcement investigation relating to Mr. George, obtained a copy of the Administrative Action taken by the



Louisiana Insurance Department, effective as of August 30, 2022. *See* Petitioner's Exhibits 7 and 7A. An Administrative action, set forth in Exhibit 7A, was taken against Respondent's license when the Louisiana Department of Insurance revoked Respondent's Louisiana nonresident producer license for his failure to report another state's administrative action, for his failure to make required disclosures on his license application, and for his failure to respond to Louisiana's Department of Insurance's requests for information. *See* Petitioner's Exhibits 5 and 7A.

7. Respondent failed to report the August 30, 2022 Administrative Action taken by the Louisiana Department of Insurance to either the Commissioner of Insurance in North Carolina or to NIPR via uploading a copy of the Administrative Action to his personal profile on NIPR's Attachment Warehouse within thirty (30) days as required by N.C. Gen. Stat. § 58-33-32(k). *See* Petitioner's Exhibits 5, 6, and 7A.

8. Harris contacted Respondent by sending him correspondence to his electronic mail address of record on September 7, 2022. *See* Petitioner's Exhibits 3, 3A, 4, 4a, and 8. This e-mail correspondence advised Respondent that the North Carolina Department of Insurance had been made aware of the administrative action taken by the Louisiana Department of Insurance with an effective date of August 30, 2022. Harris indicated that this administrative action had not yet been reported to the North Carolina Department of Insurance or NIPR, and that it "...should be reported ... by 9-30-22." *See* Exhibit 8. Harris' September 7, 2022 correspondence (set forth in Petitioner's Exhibit 8) requested that Respondent provide a written response along with documentation of the administrative action taken against his license within ten (10) days. Respondent did not respond to Harris' demands for documents and information.

9. Harris sent follow up correspondence to Respondent's electronic mail address of record on September 21, 2022, noting that Respondent failed to provide the demanded documents or his written statement. *See* Petitioner's Exhibits 8 and 9. Harris' correspondence to Respondent provided notice that unless documents and a written statement was received within ten (10) days from the date receipt, ASD would consider Respondent to be in violation of N.C. Gen. Stat. §§ 58-2-185 and 58-2-195, and that it may proceed with administrative action against his license here in North Carolina. *Id.* Respondent failed to provide the requested written documentation or his written statement.

10. On October 5, 2022, Harris sent another correspondence to Respondent's electronic mail address and to his residential mailing address of record. *See* Petitioner's Exhibit 10. Harris' October 5, 2022 correspondence informed Respondent that since he failed to report Louisiana's Administrative Action within 30 days of the



effective date, he appeared to be in violation of N.C. Gen. Stat. §§ 58-33-46(a)(2) and 58-33-32(k). This October 5, 2022 correspondence also informed Respondent that an Informal Telephonic Conference had been scheduled for November 30, 2022 at 2:00 p.m. to discuss these allegations further. *Id.* Respondent failed to respond to Harris' October 5, 2022 correspondence, and he did not attend or participate in the Informal Telephonic Conference on November 30, 2022.

11. Harris sent another correspondence to Respondent's electronic mail address of record on December 7, 2022. *See* Petitioner's Exhibit 10A. Harris' December 10, 2022 correspondence informed Respondent that he appeared to be in violation of N.C. Gen. Stat. §§ 58-33-46(a)(2) and 58-33-32(k) for failing to report Louisiana's Administrative Action, and informed him that a second Informal Telephonic Conference had been scheduled for February 1, 2023 at 2:00 p.m. to further discuss the allegations. *Id.* Respondent failed to respond to Harris' correspondence, and he failed to attend or participate in the Informal Telephonic Conference that took place on February 1, 2023.

12. On August 16, 2023, ASD received another PIC Alert (effective on July 5, 2023) relating to Respondent Christopher George when the South Dakota Division of Insurance ("South Dakota") entered information into the NAIC RIRS system on August 16, 2023. The RIRS report indicated that South Dakota had taken administrative action against Respondent's license when it revoked his South Dakota nonresident insurance producer license. South Dakota's administrative action was effective on July 25, 2023. Harris was assigned this PIC Alert relating to South Dakota and Respondent as part of her enforcement file. Harris reviewed the updated RIRS Report on August 21, 2023. *See* Petitioner's Exhibit 11.

13. Harris sent an e-mail correspondence to Respondent on August 22, 2023. *See* Petitioner's Exhibit 12. This e-mail correspondence informed Respondent that the administrative action taken by South Dakota with an effective date of July 5, 2023 had not been reported to the North Carolina Department of Insurance or to NIPR. Harris' August 22, 2023 e-mail correspondence (*see* Petitioner's Exhibit 12) was never delivered to Respondent. Shortly after sending, Harris received a bounce back e-mail advising her that Respondent's e-mail address was "over quota" and "inactive." *See* Petitioner's Exhibit 15. Harris then printed out a copy of the August 22, 2023 e-mail and sent the correspondence via U.S. mail to Respondent's residential address on file with the Department. *See* Petitioner's Exhibit 12. The August 22, 2023 correspondence requested that Respondent provide a written response along with documentation regarding the Administrative Action taken by the South Dakota within ten (10) days. Respondent failed to respond to Harris' correspondence.



14. On August 22, 2023, Harris requested a copy of the administrative action taken by South Dakota. *See* Petitioner's Exhibit 13. Harris received a copy of the Final Decision from the South Dakota Division of Insurance. The Final Decision indicated that South Dakota had revoked Respondent's South Dakota nonresident Insurance Producer License for Respondent's failure to report other state's administrative actions, effective July 5, 2023. *See* Petitioner's Exhibits 11 and 14.

15. Harris testified that she did not schedule an informal conference to discuss Respondent's failure to timely report South Dakota's administrative action to the Department or to NIPR since Respondent had already been sent multiple letters advising Respondent of North Carolina's insurance law that requires licensees to report to the Department (or to NIPR) any administrative actions taken within 30 days of the actions' effective dates. *See* Petitioner's Exhibits 8, 9, 10, 10A, 12, and 15A. In addition, Respondent was previously warned by ASD about the reporting requirements mandated by N. C. Gen. Stat. § 58-33-32(k) after an administrative action was taken against Respondent's nonresident insurance license from another state.

16. As of November 21, 2023 (and also as of the date of the hearing), Respondent has still not reported the administrative actions taken against his licenses by either the Louisiana Department of Insurance or the South Dakota Division of Insurance. *See* Petitioner's Exhibit 6A.

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. Despite proper service of the Notice of Administrative Hearing and Petition for Administrative Hearing upon Respondent in this matter pursuant to N.C. Gen. Stats. §§ 58-2-69(d) and (e), Respondent failed to attend the November 30, 2023 hearing. *See* Petitioner's Exhibits 1 and 2.

3. Pursuant to N.C. Gen. Stat. § 58-33-46(a)(2), one reason the Commissioner is justified to revoke a license issued by the Department of Insurance is for a violation of the insurance law of North Carolina. *See* Petitioner's Exhibit 1.

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 30 days after the final disposition of the matter." Section 58-33-32(k) further specifies that 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."

5. 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 both the Louisiana and the South Dakota administrative actions, as required by N.C. Gen. Stat. § 58-33-32(k), within thirty (30) days of the final dispositions.

6. Based on the evidence received, and the applicable law, the undersigned Hearing Officer concludes that Respondent's North Carolina resident insurance producer license should be revoked under N.C. Gen. Stat. § 58-33-46(a)(2) for his violations of N.C. Gen. Stat. § 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 North Carolina Insurance Producer license is hereby REVOKED effective as of the date of signing of this Order.

This 3rd day of January, 2024.



Terence D. Friedman  
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 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:

CHRISTOPHER GEORGE  
9131 GOLD HILL ROAD  
MT. PLEASANT, NORTH CAROLINA 28124-7613  
*(Respondent)*

**Certified Mail Tracking Number: 7022-2410-0000-9662-5611**

Gina M. Von Oehsen Cleary  
Special Deputy Attorney General  
N.C. Department of Justice  
Insurance Section  
9001 Mail Service Center  
Raleigh, NC 27699-9001  
*(Attorney for Petitioner)*

This the 4th day of January, 2024



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