

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  
CEALEAN GRINAGE  
(NPN # 19194553)

Respondent.

ORDER AND  
FINAL AGENCY DECISION

Docket Number: 2121

---

**THIS MATTER** was heard on April 24, 2024 by the undersigned Hearing Officer, designated by the North Carolina Commissioner of Insurance ("Commissioner") pursuant to N.C. Gen. Stat. § 58-2-55. The administrative hearing was held in Hearing Room #131 of the Albemarle Building, located at 325 North Salisbury Street, Raleigh, Wake County, North Carolina and was also streamed live by the platform WebEx.

Petitioner, the Agent Services Division of the North Carolina Department of Insurance ("Petitioner" or "ASD"), was represented by Special Deputy Attorney General Gina M. Von Oehsen Cleary. Respondent Celean Marie Grinage ("Respondent") appeared and participated *via* Webex at the hearing, and attended *Pro Se*, as she was not represented by counsel.

Respondent admitted to receipt of the Notice of Administrative Hearing and Petition, which provided Respondent with due notice of the hearing in compliance with Article 3A Section 150B-38 and was deemed perfected pursuant to N. C. Gen. Stat. § 58-2-69(d)-(e) (*See* Administrative Exhibits 1 and 2). The hearing was previously noticed to take place on January 10, 2024, however the Commissioner's designee on January 9, 2024 *Sua Sponte* issued an Order of Continuance due to inclement weather. (*See* Administrative Exhibit 21). Thereafter, the Commissioner issued a Scheduling Order on March 28, 2024, setting the adjournment date for the hearing to be held on April 24, 2024. (*See* Administrative Exhibit 21).

Nadine Scott, ASD Complaint Analyst Supervisor, appeared and testified on behalf of Petitioner. Petitioner's Exhibits 1-27, including all subparts were admitted into evidence. Respondent appeared *via* Webex and testified on her own behalf.

BASED UPON careful consideration of the testimony and evidence presented at the hearing by Petitioner and Respondent, and based upon the entire record in this proceeding, the Hearing Officer hereby makes the following:

### **FINDINGS OF FACT**

1. Respondent currently holds a resident North Carolina Insurance Producer's license with lines of authority for Accident & Health or Sickness, Personal Lines and Medicare Supplement/Long Term Care ("License"). Respondent's License was first issued by North Carolina Department of Insurance ("NCDOI") on October 7, 2019. *See Exhibit 3.*

2. The North Dakota Insurance Department took administrative action against Respondent effective on March 9, 2022, denying Respondent's application for licensure for a nonresident insurance producer license in North Dakota. This denial by North Dakota, effective March 9, 2022, was an administrative action ("North Dakota Administrative Action"). Respondent admitted that she received the North Dakota Administrative Action and other correspondence from North Dakota Department of Insurance that were sent to her home address but due to personal matters, *fa. See Exhibit 20.*

3. Respondent admitted that she did not report the March 9, 2022 North Dakota Administrative Action to the Commissioner within thirty (30) days as required by N.C. Gen. Stat. § 58-33-32(k). *See Exhibits 6, 6A, 7 and 7A.*

4. ASD sent e-mails to Respondent's business and personal e-mail addresses of record on April 5, 2022, and May 5, 2022, requesting information about the North Dakota Administrative Action. *See Exhibits 8 and 9.* Respondent failed to respond to either the April 5, 2022 or the May 5, 2022 e-mails.

5. On June 23, 2022, a letter was sent via US Mail to Respondent's home address of record providing further written notice of Respondent's failure to report the North Dakota Administrative Action. This letter scheduled a telephonic informal conference on July 13, 2022 at 10:30 a.m. to discuss these allegations. A reminder e-mail of the informal conference was only sent to Respondent's business email address of record on July 6, 2022 *See Exhibit 10.* On the July 13, 2022, ASD was unable to reach Respondent for the telephonic informal conference and left a voicemail.

6. Respondent testified that she was unaware of the informal conference or prior ASD communication as she did not have access to her business e-mail address of record. Respondent further testified that during this time she did not make checking her mail a priority and consistently missed important information. On July 14, 2022 Respondent returned ASD's call to discuss the North Dakota Administrative Action and requested documentation. After multiple communications with Respondent, ASD

coordinated another opportunity to have an informal conference which was to be held on September 20, 2022. *See Exhibits 11-17.*

7. On September 20, 2022, an informal conference was held with several members of ASD and Respondent via telephone. At this time, the allegations of Respondent's failure to timely report the North Dakota Administrative Action within 30 days of the disposition date of March 9, 2022 were discussed.

8. On September 21, 2022 Respondent uploaded a copy of the North Dakota Administrative Action dated March 9, 2022 and another letter dated October 30, 2022 that she received from the North Dakota Insurance Department, to the National Insurance Producer's Registry ("NIPR") Attachments Warehouse (an online portal tool, used nationally to electronically share with state insurance regulators, licensing related documents). *See Ex. 7A.*

9. Respondent admitted during her testimony that she was late to report the regulatory action in violation of North Carolina law. She also testified that multiple issues in her personal life at that time played a factor in her failing to give prompt attention to her reporting requirements in North Carolina.

BASED UPON the foregoing findings of fact, the Hearing Officer makes the following:

### **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 or the North Carolina General Statutes.

2. Respondent was properly served with the Notice of Administrative Hearing and Petition in this matter.

3. N.C. Gen. Stat. § 58-33-32(k) requires an insurance 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."

4. The evidence supports that Respondent reported the North Dakota Administrative Action taken against her to the Commissioner on September 21, 2022 when the final disposition of that administrative action was March 9, 2022. Therefore, Respondent failed to timely report her administrative action as required by N.C. Gen. Stat. § 58-33-32(k).

5. N.C. Gen. Stat. § 58-33-46(a)(2) provides grounds that the Commissioner may “place on probation, suspend, revoke, or refuse to renew” a producer’s license if a licensee violates “any insurance law of this or any other state.”

6. By failing to report the North Dakota Administrative Action within thirty (30) days of its final disposition, Respondent violated N.C. Gen. Stat. § 58-33-32(k), which is a North Carolina insurance law within the meaning of N.C. Gen. Stat. § 58-33-46(a)(2).

7. Respondent’s failure to timely report her North Dakota Administrative Action to the Commissioner provides sufficient grounds for administrative action against her license pursuant to N.C. Gen. Stat. §§ 58-33-32(k) and 58-33-46(a)(2).

8. N.C. Gen. Stat. § 58-2-70(c) provides that where the Commissioner finds a violation authorizing disciplinary action, the Commissioner may order the payment of a monetary penalty instead of license suspension or revocation.

9. Because Respondent was communicative with ASD, appeared and admitted to violating N.C. Gen. Stat. § 58-33-32(k) by late reporting the North Dakota Administrative Action, the Commissioner finds that a monetary penalty is appropriate. Having considered the evidence presented and evaluating the testimony of the parties, the Commissioner, pursuant to the authority vested by N.C. Gen. Stat. § 58-2-70(c) mandates that Respondent pay a civil penalty of \$200 in lieu of license revocation as requested by Petitioner.

### **ORDER**

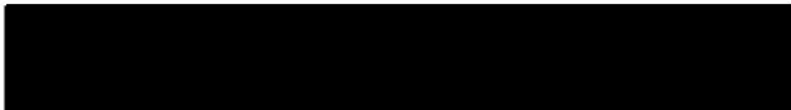
BASED UPON the foregoing Findings of Fact and Conclusions of Law, it is hereby ORDERED that pursuant to N.C. Gen. Stat. § 58-2-70(c), in lieu of license suspension or revocation, Colean Grinage shall pay a civil penalty of two hundred dollars (\$200.00), for violation of N.C. Gen. Stat. § 58-33-32(k).

The payment of this civil penalty shall be made by certified funds, to include certified bank check, cashier’s check and money order, made payable to the “North Carolina Department of Insurance” **within sixty (60) days of receipt of this Order**. Payment is to be received by the North Carolina Department of Insurance, Agent Services Division (Attention: Nadine Scott, ASD), 1204 Mail Service Center, Raleigh, N.C. 27699-1204.

Please take notice that, pursuant to N.C. Gen. Stat. § 58-33-46(a)(2), failure to comply with the requirements of this Order and Final Agency Decision, including meeting the payment and deadlines set out herein relating to the monetary penalty,

may result in the revocation of Respondent's North Carolina licenses for violation of an Order of the Commissioner.

This 15<sup>th</sup> day of May, 2024.



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. § 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 on this day I have served a copy of the foregoing **ORDER AND FINAL AGENCY DECISION** on Respondent by depositing with a designated delivery service, Federal Express – Direct Signature Required, as designated by Rule 4 of the North Carolina Rules of Civil Procedure and 26 U.S.C. § 7502(f)(2) to the address provided to the Commissioner by Respondent pursuant to N.C. Gen. Stat. § 58-2-69(d), addressed as follows:

Cealean Grinage  
2301 Coldwater Ln., Apt. 2325  
Kannapolis, NC 28082-8080  
(Respondent)

In addition, on this day I have served a copy of the same via State Courier to Attorney for the Petitioner, addressed as follows:

Gina 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 10<sup>th</sup> day of May, 2024.



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