

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
ASHLEY SHANTAYE HAIRSTON
(NPN # 19975246)

Respondent.

ORDER AND
FINAL AGENCY DECISION

Docket Number: 2153

THIS MATTER came on for hearing on Wednesday, January 3, 2024, before 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 "Agent Services"), was represented by Assistant Attorney General Anne Goco Kirby. Respondent Ashley Hairston (hereinafter, "Respondent") did not appear.

Tommy Walls, Senior Complaint Analyst for the Department of Insurance's Agent Services Division, appeared and testified for the Department.

Petitioner's Exhibits 1-12 were admitted into evidence.

Based on the allegations set forth in the Petition in this matter, as well as careful consideration of the 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 ("NCDOI") is a state agency responsible, in accordance with Chapter 58 of the North Carolina General

Statutes, for enforcement of the insurance laws of North Carolina and for regulating and licensing insurance producers.

2. Respondent has held an active resident producer's license since August 31, 2021, with lines of authority in Life, Accident & Health or Sickness and Medicare Supplement & Long-Term Care. *See* Pet'r's Ex. 3. Respondent's National Producer License Number (NPN) is 19975246. *See id.*

3. The Notice of Administrative Hearing was properly served on Petitioner pursuant to N.C. Gen. Stat. § 58-2-69(b) and Rule 4 of the North Carolina Rules of Civil Procedure. *See* Pet'r's Ex. 1.

4. On August 4, 2022, the Louisiana Department of Insurance issued a Notice of Revocation ("Louisiana Revocation") of Respondent's nonresident producer license for: (a) having her nonresident producer license denied by the state of New York, a violation of Louisiana law, (b) failing to provide documentation and information as required by Louisiana law, and (c) failing to report the action within thirty days and submit the required documentation, in violation of Louisiana law. *See* Pet'r's Ex. 6.

5. The Louisiana Revocation became effective on August 14, 2022. *See id.*

6. A North Carolina licensee is obligated to report out-of-state administrative actions to NCDOI within thirty days. *See* N.C. Gen. Stat. § 58-33-32(k). This requirement can be effectuated either by notifying Agent Services directly, or by uploading a copy of the administrative action to the National Insurance Producer Registry ("NIPR") attachment warehouse.

7. Respondent had already received a written warning from Agent Services on June 10, 2022, for her failure to timely report a previous administrative action from the State of New York. *See* Pet'r's Ex. 12.

8. Agent Services became aware of the Louisiana Revocation through the Regulatory Information Retrieval System, a part of the National Association of Insurance Commissioners system. *See* Pet's' Ex. 4. Mr. Tommy Walls, a Senior Complaint Analyst with Agent Services, was assigned to investigate.

9. On September 26, 2022, Mr. Walls emailed Respondent advising her that the Louisiana action had not been reported and requesting that she provide a written response along with any documentation regarding this matter within ten days. *See* Pet'r's Ex. 7.

10. Respondent did not respond to Mr. Walls' September 26, 2022, email.
11. Mr. Walls emailed Respondent again on October 14, 2022, advising that Respondent had failed to respond to the September 26, 2022, email, and giving Respondent an additional ten days to respond to Agent Services. *See* Petr's Ex. 8.
12. Respondent did not respond to the October 14, 2022, email or provide any documents responsive to Agent Services' requests.
13. On November 22, 2022, Agent Services sent a letter to Respondent, via both email and U.S. mail, notifying Respondent that Agent Services considered her to be in violation of certain North Carolina insurance laws and scheduling an informal conference for December 14, 2022, at 11:30 a.m. EST. *See* Pet'r's Ex. 9.
14. Respondent did not attend the December 14, 2022, informal conference. *See* Petr's' Ex. 10.
15. Later that day, Mr. Walls again emailed Respondent and scheduled a second informal conference for February 15, 2023, at 11:30 a.m. *See* Petr's' Ex. 11.
16. Respondent failed to attend the February 15, 2023, informal conference.
17. As of December 18, 2023, Respondent had still not reported the Louisiana Revocation to Petitioner.

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 properly served with the Notice of Administrative Hearing and Petition for Administrative Hearing in this matter. *See* Pet'r's Exs. 1–2.
3. Pursuant to N.C. Gen. Stat. § 58-33-32(k), Respondent was required to report the Louisiana Revocation within thirty days of its effective date. Accordingly, Respondent's failure to report the Louisiana Revocation to Agent Services constitutes a violation of N.C. Gen. Stat. § 58-33-32(k).

4. N.C. Gen. Stat. § 58-33-46(a)(2) authorizes the Commissioner to suspend, revoke, or refuse to renew any license issued under Article 33 of Chapter 58 of the North Carolina General Statutes for violating any insurance law of this or any other state.

5. Respondent's violation of N.C. Gen. Stat. § 58-33-32(k) constitutes a violation of an insurance law of the State of North Carolina.

6. Respondent has also insurance laws of the State of Louisiana. *See Petr's* Ex. 6.

7. Based on the evidence received and the applicable laws, the undersigned Hearing Officer concludes that Respondent's license should be revoked pursuant to N.C. Gen. Stat. § 58-33-46(a)(2) for violating N.C. Gen. Stat. § 58-33-32(k) and for violating insurance laws of another state.

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

ORDER

It is ORDERED that Respondent's resident North Carolina Insurance Producer license is hereby REVOKED.

This the 8th day of March, 2024.



Erin E. Gibbs
Hearing Officer
North Carolina 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: A. John Hoomani, General Counsel, 1201 Mail Service Center, Raleigh, NC 27699-1201.

CERTIFICATE OF SERVICE

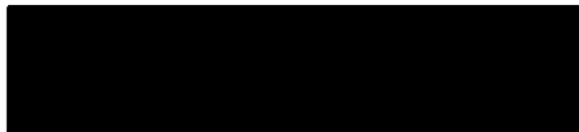
I HEREBY CERTIFY that I have this day served the foregoing **ORDER AND FINAL AGENCY DECISION** by mailing a copy of the same via certified U.S. mail, return receipt requested; via first class U.S. Mail to the licensee at the address provided to the Commissioner pursuant to N.C. Gen. Stat. § 58-2-69(b); and via State Courier to Attorney for Petitioner, addressed as follows:

Ashley Shantaye Hairston
201 Berryman St.
Greensboro, NC 27405-3221
(Respondent)

Certified Mail Tracking #: 70222410000096626199

Anne G. Kirby
Assistant Attorney General
N.C. Department of Justice
Insurance Section
9001 Mail Service Center
Raleigh, NC 27699-1201
(Attorney for Petitioner)

This 8th day of March, 2024



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