

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)
MARK HAMILTON)
(NPN# 18355766))

Respondent.)

ORDER AND
FINAL AGENCY DECISION

Docket Number: 2262

THIS MATTER was heard on March 17, 2025, 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, Nicholas B. Sorensen. Respondent, Mark Hamilton, (“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 ASD in support of the Petition at the hearing. *See* Pet’r’s Ex. 1.

Petitioner’s Exhibits 1-12 were admitted into evidence without limitation. Tommy Walls, Senior Complaint Analyst with Agent Services (“Walls”), appeared and testified on behalf of Petitioner.

BASED UPON careful consideration of the allegations set forth in the Notice of Administrative Hearing (“Notice”) and attached Petition for Administrative Hearing (“Petition”) in this matter, 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:

FINDINGS OF FACT

1. The North Carolina Department of Insurance (“Department”) is a state agency responsible, in accordance with Chapter 58 of the North Carolina General

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

2. The Notice of Hearing and Petition were properly served on Respondent pursuant to N.C. Gen. Stat. § 58-2-69(b), (d) and (e) and Rule 4 of the North Carolina Rules of Civil Procedure, by depositing in the United States Postal Service, for mailing by certified mail, return receipt request and first-class U.S. mail to the address provided to the Commissioner of Insurance (Commissioner). Service was perfected when delivered on February 7, 2025 and first-class U.S. mail was not returned, as shown on the Affidavit of Service. *See* Pet'r's Exs. 1 and 2.

3. Respondent holds an active North Carolina Non-Resident Insurance Producer License issued by the Department with lines of authority in life, accident and health or sickness ("License"). Respondent's License was issued National Producer Number (NPN) 18355766 and was first active on April 1, 2022. *See* Pet'r's Ex. 3.

4. Respondent is a resident of Michigan. *See* Pet'r's Ex. 4.

5. Effective May 21, 2024, the Michigan Department of Insurance and Financial Services issued an Amended Order ("Michigan Action") finding that on or about June 4, 2023, Michigan received a consumer complaint regarding a whole life insurance policy. The consumer alleged that Respondent failed to properly explain the policy to him, leading the consumer to request a cancellation. The policy was cancelled by the insurer on March 14, 2023. However, on March 16, 2023, the Complaint's banking information was re-entered into the insurer's system, and the Complaint was charged a premium of \$838.21 without consent or knowledge. Respondent failed to respond to multiple inquiries and notices of the Michigan Department of Insurance and Financial Services. *See* Pet'r's Ex. 11.

6. The May 21, 2024, Michigan Action ruled that Michigan law requires licensees to respond to written inquiries for information and documents. *See* MCL 500.249(a). For failing to respond to multiple written requests, Respondent was ordered to cease and desist from violations of law, pay a \$1,000 civil penalty, and submit information in response to the state's July 31, 2023, letter. *See* Pet'r's Ex. 11.

7. Agent Services was notified of an administrative action against Respondent from the state of Michigan, via a "PIC alert" received through the National Association of Insurance Commissioners (NAIC) system. Petitioner receives PIC alerts when another state takes administrative action against a North Carolina licensee then enters the regulatory action information into the NAIC database which appears as a "RIRS report". The RIRS report Petitioner received indicated that Michigan took regulatory action against Respondent for Respondent's failure to respond, and Michigan entered the administrative action into the NAIC system on

May 21, 2024. *See* Pet'r's Ex. 5. After receiving the PIC alert, Walls was assigned to handle and investigate this matter on behalf of Agent Services, to determine if Respondent reported the administrative action to the Commissioner within 30 days of final disposition, as required by N.C. Gen. Stat. § 58-33-32(k).

8. A licensee may report an administrative action taken against their license to the Department by either uploading a copy of the administrative action to the National Insurance Producer Registry ("NIPR") attachment warehouse or report the administrative action directly to the Department via fax, mail or email. Respondent did not upload any documents regarding the Michigan Action into the NIPR attachment warehouse at any time prior to this proceeding, as evidenced by a screenshot captured on March 4, 2025, searching Respondent's National Producer Number in the NIPR Attachment Warehouse. *See* Pet'r's Ex. 6. Respondent also had not reported the Michigan Action directly to the Commissioner. *See* Pet'r's Ex. 12.

9. On May 31, 2024, Agent Services sent correspondence to Respondent using e-mail addresses Respondent provided to the Commissioner. *See* Pet'r's Exs. 3 and 7. This correspondence advised Respondent that Michigan's administrative action had not yet been reported to the Department, but Respondent could still timely report the action to avoid potential penalties. The email further requested that Respondent provide a written response and documentation of Michigan's administrative action within ten days. *See* Pet'r's Ex. 7. Respondent did not respond to Petitioner's requests for documents and information.

10. On June 18, 2024, Agent Services made a second attempt for response by email to Respondent's email address of record. This correspondence notified Respondent that if he did not reply within ten days, Petitioner would consider him in violation of N.C. Gen. Stat. §§ 58-2-185 and 58-2-195. *See* Pet'r's Ex. 8. Respondent did not reply to this e-mail.

11. On September 3, 2024, Agent Services sent an informal conference notice to Respondent indicating that an informal conference was to be held on October 14, 2024, at 11:30 a.m. by telephone at the number Respondent provided the Commissioner. This informal conference notification was sent by e-mail and by first class U.S. Postal Service to Respondent's addresses of record. *See* Pet'r's Exs. 3 and 9. Respondent did not respond to this correspondence.

12. Agent Services attempted to hold the informal conference with Respondent as scheduled on October 14, 2024, at 11:30 a.m., however after was unable to reach Respondent and left a voicemail at the phone number Respondent had provided to the Commissioner. *See* Pet'r's Exs. 3 and 9. Respondent did not answer, call back or participate in meeting with Petitioner to discuss the matter.

13. On November 7, 2024, Agent Services sent correspondence to Respondent's electronic and physical address of record notifying him that Petitioner would be seeking an administrative hearing. Petitioner alleged that Respondent's failure to report the Michigan action was grounds for administrative action pursuant to N.C. Gen. Stat. § 58-33-46(a)(2) for an alleged violation of N.C. Gen. Stat. § 58-33-32(k). *See* Pet'r's Ex. 10.

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

3. Pursuant to N. C. Gen. Stat. § 58-33-46(a)(2), the Commissioner may revoke a license issued by the Department for a violation of the insurance law of North Carolina. *See* Pet'r's Ex. 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 failed to timely report, or indeed ever report, the May 21, 2024 Michigan administrative action to the Department, despite receiving an email from Agent Services notifying Respondent of this requirement while there was still time to timely report the action. 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 Michigan within thirty (30) days of the final disposition, as required by N.C. Gen. Stat. § 58-33-32(k).

6. The undersigned also gives weight to the fact that Respondent was unresponsive to multiple correspondence from Petitioner regarding the allegations in this case. *See* Pet'r's Exs. 1, 7-10. This failure to respond, was analogous to the findings of the Michigan Amended Order, displaying a disregard to communicating or providing information upon request of the regulator. *See* Pet'r's Ex. 11. N.C. Gen.

Stat. § 58-2-195 gives Petitioner the authority to require producers to request reports, records, and information. With this authorization, the Commissioner requires that licensees provide information to Petitioner “on demand” pursuant to N.C. Gen. Stat. §§ 58-2-185 and 58-2-195.

7. By failing to respond to multiple requests for information and records from Agent Services, Respondent violated N.C. Gen. Stat. §§ 58-2-185 and 58-2-195 and is therefore subject to disciplinary action for those legal violations pursuant to N.C. Gen. Stat. § 58-33-46(a)(2).

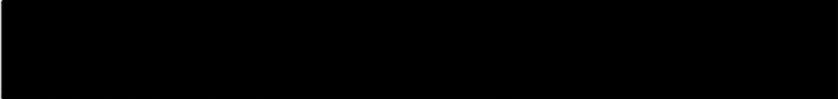
8. Based on the evidence received, and the applicable law, the undersigned Hearing Officer concludes that Respondent’s North Carolina resident insurance producer license should be revoked pursuant to N.C. Gen. Stat. § 58-33-46(a)(2) for his violations of N.C. Gen. Stat. §§ 58-2-185, 58-2-195, and 58-33-32(k).

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

ORDER

It is ORDERED that Respondent’s insurance producer license issued by the North Carolina Department of Insurance is hereby **REVOKED** effective as of the date of the signing of this Order.

This 30 day of June, 2025.


Aisha 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 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: 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 the Respondent at the address the licensee provided to the Commissioner pursuant to N.C. Gen. Stat. § 58-2-69(b), (d) and (e); and via State Courier to Attorney for Petitioner, addressed as follows:

MARK HAMILTON
18674 W. 13 MILE RD.
BEVERLY HILLS, MI 48025
(Respondent)

Certified Mail Tracking Number: 7022 0410 0003 1024 5270

Nicholas B. Sorensen
Assistant Attorney General
N.C. Department of Justice
Insurance Section
9001 Mail Service Center
Raleigh, NC 27699-9001
(Attorney for Petitioner)

This the 1st day of July, 2025



Raheema I. Moore
Clerk of Court for Administrative Hearings
Paralegal III
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General Counsel's Office
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