

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  
JUSTIN HARRIS  
(NPN # 18979255)

Respondent.

ORDER AND  
FINAL AGENCY DECISION

Docket Number: 2130

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THIS MATTER came on for hearing on Tuesday, July 25, 2023, in Hearing Room #131 the Albemarle Building, 325 North Salisbury Street, Raleigh, North Carolina before the undersigned Hearing Officer, as designated by the North Carolina Commissioner of Insurance pursuant to North Carolina General Statutes § 58-2-55.

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 Justin Harris (hereinafter, "Respondent") did not appear and was not represented by counsel.

Nadine Scott, Compliance Section Supervisor for the Department's Agent Services Division, appeared and testified for the Department. Petitioner's Exhibits 1 through 16, including all subparts, were admitted into evidence.

BASED UPON the allegations set forth in the Notice of Hearing, as well as the Petition for Administrative Hearing, Affidavit of Service, the testimony of Nadine Scott, arguments, and documentary 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. The Notice of Administrative Hearing and Petition for Administrative Hearing were properly served on Petitioner via first class mail to Respondent's residential address of record with the Department. *See Ex. 2.*

3. Respondent holds an active non-resident producer's license with authority for Life, Accident & Health or Sickness ("License"). Respondent's National Producer License Number (NPN) is 18979255 and his License was first active on February 22, 2019. *See Ex. 3.*

4. Nadine Scott testified that this matter came to ASD's attention through a "PIC alert" from a report on the Regulatory Information Retrieval System ("RIRS"), which is an automatic notification system through the National Association of Insurance Commissioners ("NAIC"), that Respondent received in adverse action in Indiana effective January 20, 2021. *See Ex. 4.*

5. Nadine Scott testified that ASD issued a written warning to the Respondent regarding the Indiana administrative action. While the Indiana action is not being considered by the Hearing Officer as it was not a part of the Petition, it was the basis for several other administrative actions from other states to follow, which are at issue in this matter.

6. Effective June 9, 2021, the Louisiana Department of Insurance ("LDOI") issued a Notice of Fine against Respondent in the amount of two hundred and fifty dollars (\$250.00) for failing to timely report the Indiana administrative action as required pursuant to La. R.S. 22:1563(A) in violation of La. R.S. 22:1554(A)(14). Respondent failed to report this action to the Department. *See Ex. 5.*

7. Subsequently, effective January 24, 2022, the LDOI issued a Notice of Suspension ("Notice") which suspended Respondent's Louisiana producer license for failure to pay the fine imposed from June 9, 2021, in violation of La. R. S. 22:1554(A)(14). The Notice provided that the suspension was to be effective thirty (30) days from issuance of the Notice until certified funds have been received by the LDOI and Respondent is in full compliance with Title 22 of the Louisiana Revised Statutes. Respondent failed to report the Louisiana administrative action to the Department. *See Ex. 12.*

8. Effective July 9, 2021, the Wyoming Department of Insurance entered a Default Order which revoked Respondent's producer license pursuant to Wyo. Statute § 26-9-211(a) for: (a) Providing incorrect, misleading, incomplete or materially untrue information in the license application; (b) Violating any insurance laws, or violating any regulation, subpoena or order of the commissioner or another state's insurance commissioner; (c) Obtaining or attempting to obtain a license through misrepresentation or fraud; and (d) Having an insurance producer license, or its



equivalent, denied, suspended, or revoked in any other state, province, district, or territory. *See Ex. 7.*

9. On July 15, 2021, Agent Services Division e-mailed Respondent on the email address of record for reporting the Wyoming revocation to the Department and requested that Respondent provide a written statement and a copy of the Wyoming order to Agent Services' attention immediately as there was still sufficient time to timely report and avoid a violation. *See Ex. 8.*

10. Nadine Scott testified that Agent Services Division never received a response to its July 15, 2021 e-mail request. Nor did the Respondent upload a copy of the Wyoming order to the attachment warehouse. Therefore, Respondent did not report the Wyoming revocation to the Department.

11. Effective September 10, 2021, Respondent entered into a Consent Order with the Insurance Commissioner of the Commonwealth of Pennsylvania. The Consent Order found, in pertinent part, that Respondent's Indiana license was suspended, and that Respondent failed to notify Pennsylvania of the action within 30 days. The Consent Order concluded that Respondent violated 40 P.S. § 310.11(20) by failing to report the Indiana action. Pursuant to the Consent Order, Respondent was ordered pay a civil penalty of five hundred dollars (\$500.00). *See Ex. 9.*

12. Effective October 14, 2021, the Pennsylvania Insurance Department issued a letter suspending Respondent's license for failing to pay the \$500.00 penalty and other violations of insurance statutes of the commonwealth, including 40 P.S. § 310.11(2) (violating insurance laws or regulations of the Commonwealth or order of this or another state's commissioner) and 40 P.S. § 310.11(20)(worthiness—lack of general fitness, competence, or reliability). *See Ex. 10.*

13. Effective November 17, 2021, the Pennsylvania Insurance Department revoked Respondent's license pursuant to the Consent Order for failing to seek a hearing and proceed with an appeal of the matter. Respondent failed to report the Pennsylvania revocation to the Department. *See Ex. 11.*

14. Effective February 15, 2022, the Nebraska Department of Insurance entered an Order revoking Respondent's producer license for failing to pay a \$500.00 administrative penalty in which he was ordered on April 16, 2021. Respondent did not report this revocation to the Department. *See Ex. 13.*

15. By email to Respondent on March 28, 2022, Agent Services Division attached a letter requesting Respondent to participate in a telephone informal conference on April 26, 2022. The informal conference letter notified Respondent of the requirement under N.C.G.S. § 58-33-32(k) to report administrative actions to the Department within 30 days of final disposition and informed Respondent that he

failed to report regulatory actions taken against him within 30 days of final disposition of such actions. Agent Services Division e-mailed Respondent on April 25, 2022 to remind him of the informal conference on April 26, 2022. Respondent did not respond, nor did Respondent participate in the scheduled informal conference. See Ex. 14 and 15.

16. Respondent failed to report the administrative actions taken by the Indiana Department of Insurance, the Louisiana Department of Insurance, the Wyoming Department of Insurance, and the Pennsylvania Department of Insurance to Agent Services within thirty (30) days of final disposition of those actions.

### **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 59 of the North Carolina General Statutes.

2. Respondent was properly served with the Notice of Administrative Hearing and the Department has personal and subject matter jurisdiction in this matter.

3. N.C. Gen. Stat. § 58-33-32(k) requires a producer to report to the Commissioner any administrative action taken against the producer in another state within thirty (30) days after the final disposition of the matter. The report “shall include a copy of the order or consent order and other information or documents filed in the proceeding necessary to describe the actions.”

4. Respondent violated N.C. Gen. Stat. § 58-33-32(k) by failing to report the administrative actions taken against him by Indiana, Louisiana, Wyoming, and Pennsylvania within thirty (30) days after final disposition of such administrative actions.

5. N.C. Gen. Stat. § 58-33-46(a)(2) states that the Commissioner may place on probation, suspend, or revoke the license of a licensee for “violating any insurance law of this or any other state, violating any administrative rule, subpoena, or order of the Commissioner or of another state’s insurance regulator, or violating any rule of FINRA.”

2. Respondent’s Non-Resident Producer license should be suspended or revoked pursuant to N.C. Gen. Stat. § 58-33-46(a)(2) based upon his: (a) violation of N.C. Gen. Stat. § 58-33-32(k) by failing to report the administrative actions taken by Indiana, Louisiana, Wyoming, and Pennsylvania to the Department within 30 days after final disposition of such administrative actions, (b) violations of the insurance



laws of Indiana, Louisiana, and Pennsylvania, and (c) violation of the Pennsylvania Consent Order.

**ORDER**

BASED UPON the foregoing Findings of Facts and Conclusions of Law, it is ORDERED that Respondent's non-resident producer's license issued by the North Carolina Department of Insurance is hereby REVOKED effective as of the date of the signing of this order.

This the 14<sup>th</sup> day of September, 2023.



Alisha Benjamin  
Hearing Officer  
N.C. Department of Insurance  
1201 Mail Service Center  
Raleigh, NC 27699-1201

## 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 **FINAL AGENCY DECISION AND ORDER** 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 residential address provided to the Commissioner pursuant to N.C. Gen. Stat. § 58-2-69(b) and (d); and via State Courier to Attorney for Petitioner, addressed as follows:

Justin Harris  
8102 Colonial Drive  
Tampa, Florida 33625-3194  
(Respondent)

**Certified Mail Tracking #: 7020 0640 0000 3185 5155**

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

This the 14<sup>th</sup> day of September, 2023.

  
Kimberly W. Pearce, NCCP  
Paralegal III  
N.C. Department of Insurance  
General Counsel's Office  
1201 Mail Service Center  
Raleigh, NC 27699-1201