

NORTH CAROLINA DEPARTMENT OF INSURANCE
RALEIGH, NORTH CAROLINA

STATE OF NORTH CAROLINA	)	BEFORE THE
COUNTY OF WAKE	)	COMMISSIONER OF INSURANCE
	)	
	)	
IN THE MATTER OF:	)	
	)	
THE LICENSURE OF	)	ORDER AND
KIYAHNA HAWTHORNE	)	<u>FINAL AGENCY DECISION</u>
(NPN #20472580)	)	
	)	Docket No. 2209
Respondent.	)	
	)	

THIS MATTER was heard on December 11, 2024 by the undersigned Hearing Officer, as designated by the Commissioner of Insurance ("Commissioner") pursuant to N.C. Gen. Stat. § 58-2-55. The administrative hearing was held in Hearing Room located in Wake County, North Carolina at 3200 Beechleaf Court, Raleigh, NC 27604.

Assistant Attorney General Dilcy Burton was present and represented the North Carolina Department of Insurance ("Department" or "NCDOI"), Agent Services Division ("Petitioner" or "Agent Services"). Respondent Kiyahna Hawthorne, proceeding *pro se*, did not appear. Melody Hocutt ("Hocutt"), Complaint Analyst with Agent Services, appeared and testified for the Department. Hocutt confirmed that she had thoroughly reviewed the file and obtained sufficient information and knowledge to provide evidence for the proceeding.

Agent Services offered into evidence Petitioner's Exhibits 1 through 13, which were admitted into evidence with the exception of redactions of personally identifiable information and irrelevant information from Petitioner Exhibits 5, 6, and 7. Exhibit 14 was excluded and not admitted into evidence.

BASED UPON careful consideration of the evidence and arguments presented, and based 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. The Petition and the Notice of Administrative Hearing were deposited by priority overnight mail with FedEx, a designated delivery service, on July 23, 2024 and delivered on July 24, 2024. On November 12, 2024, the Scheduling Order was deposited in the U.S. Postal Services for mailing by certified mail, return receipt

requested and first class U.S. mail. The Scheduling Order sent by certified U.S. mail, return receipt requested was not delivered. The Scheduling Order sent by first class U.S. mail was not returned. *See* Pet'r Ex. 2.

2. NCDOI is a state agency responsible for the enforcement of the insurance laws of North Carolina and for regulating the licensing of insurance producers, in accordance with Chapter 58 of the North Carolina General Statutes.

3. Since October 18, 2022, Hawthorne held lines of authority in accident and health or sickness. *See* Pet'r Exs. 5 and 6.

4. Hocutt testified that NCDOI sent correspondence to Respondent's mailing address of 620 Crawford Hill Road, Apt. 620, Greenville, SC 29617 and to Respondent's e-mail address of hkiyahna@gmail.com to notify Respondent of potential violations of North Carolina insurance laws. *See* Pet'r Exs. 5-6 and 9-13.

5. Hocutt testified that North Carolina requires insurance producers to report contact changes, including changes of address, within ten (10) days of any change to contact information. *See* Pet'r Ex. 5.

6. In or around October of 2022, Respondent applied to the Kansas Insurance Department for a non-resident insurance producer license. *See* Pet'r Ex. 9.

7. On December 20, 2022, the Kansas Insurance Department denied the Respondent's application. The basis for the denial was because the Respondent had a previous criminal conviction. *Id.*

8. In or around March of 2023, Respondent again applied to the Kansas Insurance Department for a non-resident insurance producer license. *See* Pet'r Ex. 10.

9. On April 26, 2023, the Kansas Insurance Department denied the application of the Respondent. The denial from Kansas was because the Respondent had a previous criminal conviction. *Id.*

10. Hocutt testified that notice of these administrative taken by the Kansas Insurance Department came to the attention of the Department through a PIC alert, which is an automatic notification system maintained by the NAIC ("National Association of Insurance Commissioners"). *See* Pet'r Exs. 7, 9 and 10.

11. Hocutt testified that a licensee may report an administrative action by uploading a copy of the administrative action to the NIPR attachment warehouse or reporting the administrative action directly to NCDOI. *See* Pet'r Ex. 8.

12. A screenshot dated July 29, 2024, of the NIPR attachment warehouse for Respondent, was introduced into evidence. The screenshot indicated that Respondent reported the December 20, 2022 Kansas administrative action late and did not report the April 26, 2023 Kansas administrative action in the NIPR attachment warehouse. *See* Pet'r Exs. 8-10.

13. On May 30, 2023, June 14, 2023 and July 6, 2023, Hocutt notified Respondent of Respondent's responsibilities to report administrative actions from other states and invited Respondent to meet with NCDOI. *See* Pet'r Exs. 5-6 and 11-13.

14. An informal conference was scheduled for the Respondent on August 16, 2023. NCDOI contacted Respondent at the telephone numbers on record for Respondent for this meeting. *See* Pet'r Exs. 5-10 and 13.

15. Respondent did not timely provide notice of the Kansas administrative actions in the NIPR attachment warehouse. *See* Pet'r Exs. 8-10.

16. Respondent did not fax, USPS mail or e-mail notice of the adverse administrative action from the Kansas Insurance Department to NCDOI. *See* Pet'r Exs. 8-10.

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

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 or by another governmental agency in this State within thirty (30) days after the final disposition of the matter.

4. Respondent was required to report the Kansas administrative actions (effective January 5, 2023 and May 11, 2023, respectively) within thirty (30) days of the effective date of the actions, pursuant to N.C. Gen. Stat. § 58-33-32(k). *See* Pet'r Exs. 9 and 10.

5. Respondent's failure to report and provide copies of the administrative actions from Kansas to NCDOI within thirty (30) days of the effective date of the administrative actions constitute a violation of N.C. Gen. Stat. § 58-33-32(k). See Pet'r Exs. 8-10.

6. N.C. Gen. Stat. § 58-33-46(a)(2) allows the Commissioner to place on probation, suspend, revoke, or refuse to renew any license issued under this Article for a licensee 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.

7. N.C. Gen. Stat. § 58-33-46(a)(9) provides that NCDOI may place on probation, suspend, revoke or refuse to renew a license if a licensee has an insurance producer license or its equivalent denied, suspended or revoked in any other jurisdiction.

8. Respondent's violations of N.C. Gen. Stat. §§ 58-33-32(k), 58-33-46(a)(2) and 58-33-46(a)(9) provide the statutory authority for revoking Respondent's North Carolina insurance producer license.

Based upon the foregoing Findings of Fact and Conclusions of Law the following order is rendered.

ORDER

It is ORDERED that Respondent's nonresident insurance producer license be REVOKED. However, this ORDER of REVOCATION is reversed upon Respondent paying a fine of two-hundred and fifty dollars (\$250.00) within thirty (30) days from the date of this Order. If the fine of two-hundred and fifty dollars (\$250.00) is not received within thirty (30) days of the date of this Order, this revocation becomes effective on the date of the Order. If the fine of two-hundred and fifty dollars (\$250.00) is received within thirty (30) days of the date of this Order, then this ORDER of REVOCATION is reversed. This ORDER and, if applicable, any subsequent reversal and fine is a reportable regulatory action.

This 27th day of June, 2025.



Kyle Heuser
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 the 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 licensee at the addresses 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:

Kiyahna Hawthorne
620 Crawford Hill Road, Apt. 620
Greenville, SC 29617
(Respondent)

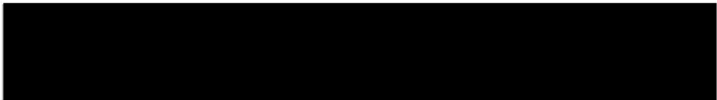
Certified Mail Tracking Number: 9589 0710 5270 0742 5907 74

Kiyahna Hawthorne
8 Millcrest Way
Mauldin, SC 29662-2844
(Respondent)

Certified Mail Tracking Number: 9589 0710 5270 0742 5907 81

Dilcy Burton
Assistant Attorney General
N.C. Department of Justice
Insurance Section
9001 Mail Service Center
Raleigh, NC 27699-9001

This the 27th day of June, 2025.


Raheema I. Moore
Clerk of Court for Administrative Hearings
Paralegal III
N.C. Department of Insurance
1201 Mail Service Center
Raleigh, NC 27699-1201