

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  
BRITTANY IBRAHIM  
(NPN # 19577205)

Respondent.

ORDER AND  
FINAL AGENCY DECISION

Docket Number: 2162

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THIS MATTER was heard on February 21, 2024, in Hearing Room #131 of the Albemarle Building, located at 325 North Salisbury Street, Raleigh, Wake County, North Carolina, before the undersigned Hearing Officer, as designated by the Commissioner of Insurance pursuant to N.C. Gen. Stat. § 58-2-55.

Assistant Attorney General Rebecca E. Lem represented the North Carolina Department of Insurance (hereinafter "Department"), Agent Services Division (hereinafter "Petitioner" or "ASD"). Respondent Brittany Ibrahim (hereinafter, "Respondent") did not appear and was not represented by counsel at the hearing.

Petitioner moved to amend the Petition to reflect that Respondent's North Carolina insurance license was first active on July 21, 2020. This motion was GRANTED by the undersigned hearing officer. Petitioner moved, pursuant to 11 NCAC 01.0423(a), for the imposition of sanctions due to Respondent's failure to appear at the hearing, which was DENIED. The undersigned hearing officer proceeded to accept and consider testimony and evidence offered by Agent Services in support of its Petition at the hearing.

Jeff Miller, Complaint Analyst with Agent Services Division (ASD) of the North Carolina Department of Insurance, testified for the Petitioner. Petitioner's Exhibits 1 through 10, including all subparts, were admitted into evidence.

BASED UPON the careful consideration of the allegations set forth in the Notice of Administrative Hearing and Petition in this matter, as well as documentary and testimonial evidence introduced at the hearing, the undersigned Hearing Officer hereby makes the following Findings of Fact and Conclusions of Law:

## FINDINGS OF FACT

1. The Notice of Administrative Hearing was properly served on Respondent via first class mail. *See* Pet'r Exs. 1 & 2.

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

3. Respondent is a resident of Virginia and holds a Non-Resident Producer License, National Producer Number 19577205, with lines of authority in Accident & Health or Sickness and Medicare Supplement/Long Term Care, first active on or about July 21, 2020. *See* Pet'r Exs. 3 & 4.

4. ASD Complaint Analyst Jeff Miller testified that ASD Complaint Analyst Lisa Webb was initially assigned to the investigation involving Respondent due to a "PIC Alert" from the NAIC notifying the Department that Respondent had received an adverse administrative action in New York. *See* Pet'r Ex. 5 & 9. Mr. Miller explained that a "PIC Alert" results when a state's insurance regulator enters information into the NAIC reporting system that a licensee has received an administrative action in that state.

5. Mr. Miller testified that the investigation file involving Respondent, was later reassigned to him due to Ms. Webb no longer being employed with the Department. Mr. Miller testified that he reviewed Ms. Webb's file in this matter, most recently reviewing it within the past week. Mr. Miller explained that all ASD notes for this matter were kept in the "Enforcement Case Summary", which was introduced into evidence as Petitioner's Exhibit 9.

6. Mr. Miller testified that a licensee is required to report administrative actions they receive in other states to the Department within thirty (30) days of the effective date of those actions pursuant to N.C. Gen. Stat. § 58-33-32(k), and that they may do so by directly reporting to the Department or by uploading the document to the NIPR Attachment Warehouse. Mr. Miller testified that, upon assignment of a file resulting from a PIC Alert, the first thing an ASD Complaint Analyst does is to check the Department's records and the NIPR Attachment Warehouse to determine if an administrative action noted on the PIC alert has been reported.

7. On September 13, 2022, Respondent received an adverse administrative action against her New York insurance license in the form of a license surrender (hereinafter, "New York Administrative Action") as a result of demonstrated untrustworthiness and/or incompetence that resulted from Respondent's failure to timely report a criminal prosecution, as well as her failure to timely respond to the New York State Department of Financial Services, which is the insurance regulator

for the State of New York. *See* Pet'r Ex. 10A.

8. On September 29, 2022, ASD sent an e-mail to Respondent's email address of record, informing Respondent of the requirement to report the New York Administrative Action and requesting that Respondent provide a written response and a copy of the New York Administrative Action within ten (10) days. This e-mail also noted the statutory reporting requirements for licensees pursuant to N.C. Gen. Stat. §§ 58-2-185 and 58-2-195. *See* Pet'r Ex. 7A.

9. Mr. Miller testified that it is standard procedure for Complaint Analysts to enter a note into the "Enforcement Case Summary" any time a licensee has contact with them concerning an open investigatory file, and that there are no notes indicating that Respondent ever contacted ASD or provided a response to ASD's September 29, 2022 request. *See* Pet'r Ex. 9.

10. On or about October 18, 2022, the Department received a PIC alert notifying it that Respondent had received an administrative action from the California Department of Insurance (hereinafter, "California Administrative Action"). The RIRS report indicates that Respondent's California insurance license was revoked effective October 13, 2022 for "failure to respond". *See* Pet'r Ex. 5.

11. The "Default Decision and Order of Revocation" and attached "Accusation" issued by the California Department of Insurance shows that Respondent's California Insurance License was revoked due to her failure to respond to that department's inquiry concerning prior criminal convictions. *See* Pet'r Ex. 10B.

12. Mr. Miller testified that Respondent never reported either the California or New York Administrative Actions through the NIPR Attachment Warehouse. Although Respondent uploaded some documents to the section of the NIPR Attachment Warehouse, these documents were not related to the New York or California Administrative Actions. *See* Pet'r Exs. 6A & 6B.

13. On April 20, 2023, Mr. Miller sent an e-mail to Respondent at all three (3) of her e-mail addresses of record requesting that she provide a written response concerning the New York and California Administrative Actions within ten (10) days. Respondent did not respond as requested. *See* Pet'r Exs. 7B & 9.

14. On May 2, 2023, Mr. Miller sent another e-mail to Respondent's three email addresses of record, again requesting that she respond in writing within ten (10) days. *See* Pet'r Ex. 7C. The e-mail sent to one of Respondent's e-mail addresses was returned as undeliverable, but the other two were delivered. *See* Pet'r Ex. 7D. Respondent did not respond as requested. *See* Pet'r Ex. 9.

15. On June 5, 2023, Mr. Miller sent a notice of an informal conference to

Respondent by first class U.S. Mail and by e-mail. The informal conference notice informed Respondent that the conference was scheduled to take place by phone on June 22, 2023 at 10 am Eastern Time, and gave Respondent notice of the phone number of record where she would be called. *See* Pet'r Exs. 7E & 7F.

16. On June 22, 2023, Mr. Miller and ASD Complaint Section Supervisor Tommy Walls attempted to hold an informal conference with Respondent by calling Respondent's telephone number on record. The attempted call did not go through because the number was no longer in service. *See* Pet'r Exs. 8A & 9.

17. On August 11, 2023, Mr. Miller sent a second notice of an informal conference to Respondent by first class U.S. Mail and by e-mail. The informal conference notice informed Respondent that the conference was to take place by phone on September 28, 2023 at 10 am Eastern Time, and gave Respondent notice of the phone number of record where she would be called. *See* Pet'r Ex. 7G & 7H.

18. On September 28, 2023, Mr. Miller and ASD Complaint Section Supervisor Nadine Scott attempted to hold an informal conference with Respondent by calling her at her only telephone number on record. The attempted call did not go through because the number was no longer in service. *See* Pet'r Exs. 8B and 9. Mr. Miller noted in the Enforcement Summary note for that date that there were no other available phone numbers found in the "PDB" for Respondent. *See* Pet'r Ex. 9.

19. On January 16, 2024, Mr. Miller sent an e-mail and U.S. first class letter to Respondent notifying her that the matter was being referred for an administrative hearing due to Respondent's failure to report the New York and California Administrative Actions, and providing Mr. Miller's contact number. Respondent never contacted Mr. Miller.

20. Mr. Miller testified that at no time has Respondent reported the New York or California Administrative Actions in violation of N.C. Gen. Stat. § 58-33-32(k), and at no time has Respondent contacted ASD by any method concerning the unreported New York and California Administrative Actions.

21. Mr. Miller testified that, in his opinion, Respondent had not shown a continuing interest in retaining her North Carolina insurance license, as shown by her failure to respond to any of the Department's numerous requests, as well as Respondent's failure to participate in two (2) informal conference attempts.

### CONCLUSIONS OF LAW

1. This matter is properly before the Commissioner, and the Commissioner has jurisdiction over the parties and the subject matter.

2. Respondent was properly served with the Notice of Administrative Hearing pursuant to N.C. Gen. Stat. §§ 58-2-69(d) and 58-2-69(e).

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. The evidence presented at the hearing supports the allegations of the Notice and Petition as to Respondent's failure to timely report the New York and California Administrative Actions. Respondent never reported either administrative action to the Department at any time, in violation of N.C. Gen. Stat. § 58-33-32(k).

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 who has violated any insurance law of this or any other state, violated any administrative rule, subpoena, or order of the Commissioner or of another state's insurance regulator, or violated any rule of FINRA.


6. Respondent violated the insurance laws of New York and California based on the revocations she received; Respondent's non-resident producer license is subject to suspension to revocation pursuant to N.C. Gen. Stat. § 58-33-46(a)(2).

7. Respondent has not shown a continuing interest in retaining her North Carolina insurance licenses, as evidenced by her failure to report the New York and California Administrative Actions, her failure to provide the documentation requested by ASD, her failure to attend both the June 22, 2023 and September 28, 2023 informal conferences, and her failure to have any communication with the Department at any time regarding this matter.

### ORDER

BASED UPON the foregoing Findings of Fact and Conclusions of Law, it is ordered that Respondent's licenses issued by the North Carolina Department of Insurance are hereby REVOKED effective as of the date of the signing of this order.

This the 11 day of April 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. § 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: 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; 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:

Brittany Ibrahim  
1125 Ray Rd SE  
Roanoke, VA 24014-4337  
(Respondent)


**Certified Mail Tracking Number: 70222410000096625628**

Brittany Ibrahim  
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(Respondent)

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Rebecca E. Lem  
Assistant Attorney General  
N.C. Department of Justice  
Insurance Section  
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(Attorney for Petitioner)

This the 11<sup>th</sup> day of April, 2024.

  
Mary Faulkner  
Paralegal III  
N.C. Department of Insurance  
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Raleigh, NC 27699-120