

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)	ORDER AND
ROCHELLE LILLY)	<u>FINAL AGENCY DECISION</u>
(NPN #2114849))	
)	Docket No. 2247
Respondent.)	
)	

THIS MATTER was heard on December 17, 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 the Hearing Room of the North Carolina Department of Insurance, located at 3200 Beechleaf Court, Raleigh, Wake County, North Carolina.

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 Rochelle Lilly ("Lilly"), proceeding *pro se*, did not appear. Jeff Miller ("Miller") Complaint Analyst with Agent Services, appeared and testified for the Department. Miller confirmed that he 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 12, which were admitted into evidence with the exception of redactions of personally identifiable information and irrelevant information from Petitioner Exhibits 3, 4, 5 and 12.

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. On November 14, 2024, copies of the Petition for Administrative Hearing ("Petition") and the Notice of Administrative Hearing ("Notice") in this matter were deposited in the United States Postal Service, for mailing pursuant to N.C. Gen. Stat.

58-2-69, to the Respondent's residential address of 1301 S Ashland Ave. Apt 2F, Chicago, IL 60608. A copy of the Petition and the Notice mailed via certified mail, return receipt requested, was not delivered as the item was refused on November 22, 2024. A copy of the Petition and the Notice mailed by first class 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. At the time of the hearing, Lilly held a nonresident insurance producer license in North Carolina with lines of authority in accident and health or sickness, life, Medicare supplement, and long-term care. *See* Pet'r Exs. 3 and 4.

4. NCDOI sent correspondence to Respondent's mailing address of 1301 S. Ashland Avenue, Apt 2F, Chicago, Illinois 60608-1300 and e-mail address of rochellelilly@yahoo.com to notify Respondent of potential violations of North Carolina insurance laws. *See* Pet'r Exs. 3-4 and 9-11, Testimony of Jeff Miller.

5. N.C. Gen. Stat. 58-2-(b) requires insurance producers to report contact information changes, including changes of address, within ten (10) days of any change to their contact information. *See* Testimony of Jeff Miller.

6. The Illinois Department of Insurance ordered a suspension of Respondent's insurance producer license because the Respondent failed to comply with the provisions of the Illinois Income Tax Act. The Order of Suspension was effective 30 days from the August 24, 2023, mailing date. *See* Pet'r Ex. 7.

7. The Illinois Department of Insurance lifted its suspension of Respondent's insurance producer license on November 1, 2023, when Respondent complied with the obligations of the Illinois Income Tax Act. *See* Pet'r Ex. 8.

8. Respondent's administrative actions from Illinois came to the attention of the Department through a "PIC alert", which is an automatic notification system through the NAIC ("National Association of Insurance Commissioners"). *See* Pet'r Exs. 5-8, Testimony of Jeff Miller.

9. A licensee may report an administrative action against a licensee 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. 6, Testimony of Jeff Miller.

10. Respondent did not timely report the Illinois administrative actions to NCDOI. *See* Pet'r Exs. 6- 8.

11. On October 4, 2023, October 16, 2023 and November 7, 2023, Miller notified Respondent of Respondent's responsibilities to report adverse actions from other states and invited the Respondent to meet with NCDOI. *See* Pet'r Exs. 9-11.

12. An informal conference was scheduled for Respondent on December 11, 2023. NCDOI contacted Respondent at the telephone number on record for Respondent for this meeting. *See* Pet'r Exs. 3, 4 and 11.

13. Respondent did not timely provided notice of the Illinois actions in the NIPR attachment warehouse. *See* Pet'r Ex. 6-8.

14. Respondent did not fax, mail, or e-mail notice of the adverse administrative action from the state of Illinois to NCDOI. *See* Pet'r Exs. 6-8 and 12.

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 Petition for Administrative Hearing and the Notice of Administrative Hearing were served properly on the Respondent. *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 and Respondent failed to do so.

4. Respondent was required to report the Illinois (eff. September 23, 2023, and November 1, 2023,) administrative actions, within thirty (30) days of the effective date of the action, pursuant to N.C. Gen. Stat. § 58-33-32(k) and failed to do so. *See* Pet'r Ex. 6-8 and 12.

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

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** effective as of the date of the signing of this Order.

This 6 day of February, 2025.



Amy Funderburk
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. Gen. Stat. § 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:

Rochelle Lilly
1301 S Ashland Avenue, Apt 2F
Chicago, IL 60608
(*Respondent*)

Certified Mail Tracking Number: 7022 2410 0000 9662 5703

Rochelle Lilly
1820 Ridge Road, Ste. 305E
Hollywood, IL 60430-1759
(*Respondent*)

Certified Mail Tracking Number: 7022 2410 0000 9662 5697

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

This the 6 day of February, 2025.

[REDACTED]

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