

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
SYLVIA MALONE	)	<u>FINAL AGENCY DECISION</u>
(NPN #17685860)	)	
	)	Docket Number: 2158
Respondent.	)	
	)	

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**THIS MATTER** was heard on February 6, 2024 by the undersigned Hearing Officer, designated by the North Carolina Commissioner of Insurance ("Commissioner") under N.C. Gen. Stat. § 58-2-55, pursuant to a Notice of Administrative Hearing that was duly issued and served.

Petitioner Agent Services Division ("Agent Services") of the North Carolina Department of Insurance ("NCDOI") was present at the hearing and was represented by Todd H. Neal, Assistant Attorney General.

Respondent, Sylvia Malone (hereinafter, "Respondent"), did not appear at the hearing and was not represented by counsel.

Gwen Harris, Complaint Analyst, testified on behalf of Agent Services at the hearing. Agent Services offered into evidence Petitioner's Exhibits 1 through 10, which were 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 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 Respondent on January 18, 2024. The Notice of Administrative Hearing, Petition for Administrative Hearing, and Affidavits of Service were admitted into evidence as Petitioner's Exhibits 1, 1A, and 2, respectively.

3. At all times relevant herein, Respondent held a Nonresident Insurance Producer License with lines of authority Accident & Health or Sickness. Respondent's National Producer License Number (NPN) is 17685860. A copy of the Licensee Summary was admitted into evidence as Petitioner's Exhibit 3.

4. Gwen Harris, Complaint Analyst, testified that Agent Services became aware that Respondent had received an adverse administrative action in Kansas via a report on the Regulatory Information Retrieval System ("RIRS"), which is an automatic notification system through the National Association of Insurance Commissioners ("NAIC"). The RIRS report showing that Kansas administrative action was admitted into evidence as Petitioner's Exhibit 5.

5. On or about May 5, 2023, the Kansas Insurance Department issued a Decision on License Application which denied Respondent's application for a nonresident insurance producer's license for the state of Kansas (the "Kansas Denial"). The Kansas Denial was admitted into evidence as Petitioner's Exhibit 6.

6. Respondent did not report that May 5, 2023 Kansas administrative action to the Commissioner within 30 days of the final disposition of that matter.

### 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. Respondent was properly served with the Notice of Administrative Hearing 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 or by another governmental agency in this State within thirty (30) days after the final disposition of the matter.

4. Respondent failed to report to the Commissioner the May 5, 2023 administrative action within thirty (30) days of the final disposition of that matter and therefore violated N.C. Gen. Stat. § 58-33-32(k).

5. Pursuant to N.C. Gen. Stat. § 58-33-46(a)(2) one basis for revocation of a license issued by NCDOI is a violation of any insurance laws of North Carolina or any other state.

6. Respondent's violation of N.C. Gen. Stat. § 58-33-32(k) constitutes a violation of insurance laws of this state and is therefore grounds for license revocation under N.C. Gen. Stat. § 58-33-46(a)(2).

### **ORDER**

Based upon the foregoing Findings of Fact and Conclusions of Law, it is ORDERED that Respondent's Nonresident Insurance Producer's license be revoked effective as of the date of the signing of this Order.

This 6<sup>th</sup> day of March, 2024.



Terence Friedman  
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 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:

Sylvia Malone  
423 E. Ledbetter Drive, No. 122  
Dallas, TX 75216  
*(Respondent)*

**Certified Mail Tracking Number: 70222410000096625574**

M. Denise Stanford  
Special Deputy Attorney General  
N.C. Department of Justice  
Insurance Section  
9001 Mail Service Center  
Raleigh, NC 27699-9001  
*(Attorney for Petitioner)*

This the 6<sup>th</sup> day of March, 2024

  
Mary Faulkner  
Paralegal III  
N.C. Department of Insurance  
General Counsel's Office  
1201 Mail Service Center  
Raleigh, NC 27699-1201