

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  
ALLON F. MARTIN  
(NPN # 19929084)

Respondent.

FINAL AGENCY  
DECISION AND ORDER

Docket Number: 2113

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**THIS MATTER** came on for hearing on Tuesday, May 2, 2023, before the undersigned Hearing Officer, as designated by the Commissioner of Insurance pursuant to N.C. Gen. Stat. § 58-2-55. The administrative hearing was held in the Albemarle Building, located at 325 North Salisbury Street, Raleigh, Wake County, North Carolina. Assistant Attorney General Anne Goco Kirby was present and represented the Agent Services Division of the North Carolina Department of Insurance (“Petitioner”, “Agent Services”, or “ASD”). Respondent Allon F. Martin did not appear.

Petitioner’s Exhibits 1 through 11 were admitted into evidence.

Jeff Miller, Complaint Analyst for the Department’s Agent Services Division, appeared and testified for the Department.

Based on the allegations set forth in the Notice of Hearing 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 North Carolina Department of Insurance (“Department” or “NCDOI”) has the authority and responsibility for the enforcement of insurance laws of this State and for regulating and licensing insurance agents.
2. Respondent is a resident of Utah and has held a non-resident producer’s license since September 1, 2021, with lines of authority in Life, Accident & Health or

Sickness and Medicare Supplement/Long-Term Care. *See* Petr's Ex. 6. Respondent's National Producer License Number ("NPN") is 19929084. *See id.*

3. The Notice of Administrative Hearing was properly served on Petitioner pursuant to N.C. Gen. Stat. § 58-2-69(b) and Rule 4 of the North Carolina Rules of Civil Procedure. *See* Pet'r's Ex. 5.

4. On June 23, 2022, a Louisiana Notice of Revocation of Respondent's license was uploaded to the Regulatory Information Retrieval System ("RIRS"), a system that is accessible via that National Association of Insurance Commissioners ("NAIC"). *See* Pet'r's Ex. 7. The Notice of Revocation was dated May 25, 2022, and the RIRS system indicated that its effective date was June 8, 2022.

5. The Louisiana revocation was based on Respondent's failure to report another state's administrative action within thirty days of the of the action, a violation of a Louisiana statute, La. R.S. 22:1563(A). *See* Pet'r's Ex. 8.

6. On July 12, 2022, Mr. Miller contacted Respondent via both of his email addresses of record, requesting a copy of the Louisiana administrative action within ten days. *See* Pet'r's Ex. 9.

7. Receiving no response, Mr. Miller again emailed Respondent again on July 28, 2022, requesting a copy of the Louisiana Administrative Action. *See* Pet'r's Ex. 10.

8. Again, receiving no response, on September 13, 2022, Mr. Miller sent a notice to Respondent, via email and the postal service, warning Respondent that failure to respond could result in an administrative action against his license. *See* Pet'r's Ex. 11. The notice also scheduled an informal telephone conference between ASD and Respondent for Monday, October 10, 2022, at 2:00 P.M. EST. *See id.*

9. The October 10, 2022, telephone conference was unsuccessful.

10. To date, Respondent has not reported the Louisiana Notice of Revocation to Petitioner.

### **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 Rule 4 of the North Carolina Rules of Civil Procedure.

3. The evidence presented at the hearing supports the allegations of the Notice of Hearing and Petition.

4. Pursuant to N.C. Gen. Stat. § 58-33-32k, Respondent was required to report the Louisiana administrative action to Petitioner within thirty days of the effective date of the action.


5. Respondent failed to timely report the May 25, 2022, Louisiana Notice of Revocation, which constitutes a violation of N.C. Gen. Stat. § 58-33-32k.

6. N.C. Gen. Stat. § 58-33-46a2 allows the Commissioner to suspend, revoke, or refuse to renew any license issued under this Article for violating any insurance law of this or any other state.

### **ORDER**

Based on 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 8<sup>th</sup> day of June, 2023.

  
Erin E. Gibbs  
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: 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 **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 Respondent; and via State Courier to Attorney for Petitioner, addressed as follows:

Allon F. Martin  
363 W 4775 S  
Washington Terrace, UT 84405  
(Respondent)


Certified Mail Tracking Number:

Allon F. Martin  
2897 W 2300 N,  
Clearfield, UT 84015  
(Respondent)

Certified Mail Tracking Number:

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

This 8<sup>th</sup> day of June, 2023.



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