

STATE OF NORTH CAROLINA)
COUNTY OF WAKE)
)
)
)
IN THE MATTER OF:)
)
)
THE LICENSURE OF:)
ERICA MCGILL)
(NPN #18378722))
)
)
Respondent.)
)

BEFORE THE
COMMISSIONER OF INSURANCE

ORDER AND
FINAL AGENCY DECISION

Docket Number: 2152

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 December 15, 2023. 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, Medicare Supplement/Long Term Care, and Life. Respondent's National Producer License Number (NPN) is 18952756. A copy of the Licensee Summary was admitted into evidence as Petitioner's Exhibit 4.

4. Jeff Miller, Complaint Analyst, testified that Agent Services became aware of this matter via a report on the Regulatory Information Retrieval System ("RIRS"), which is an automatic notification system through the National Association of Insurance Commissioners ("NAIC"), that Respondent had received an adverse administrative action in Virginia. The RIRS report was admitted into evidence as Petitioner's Exhibit 3.

5. On or about March 22, 2022, the State Corporation Commission for the Commonwealth of Virginia issued a Settlement Order which forbade Respondent from making "any application to transact the business of insurance." In conjunction with the Virginia Settlement Order, Respondent signed a Voluntary Surrender of Insurance Agent or Consultant License Authority, also on March 22, 2022. (Collectively, the "Virginia Settlement Order and Voluntary Surrender"). The Virginia Settlement Order and Voluntary Surrender constitute an administrative action. Certified copies of the Virginia Settlement Order and Voluntary Surrender were admitted into evidence as Petitioner's Exhibit 6.

6. Respondent did not report that March 22, 2022 Virginia Settlement Order and Voluntary Surrender 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 March 22, 2022 Virginia Settlement Order and Voluntary Surrender, which constitute an administrative action, within thirty (30) days of the final disposition of the administrative action 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 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 5 day of April, 2024.


Terence D. 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 L. 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:

Erica McGill
228 E 1000 N
Orem, UT 84057-3302
(Respondent)

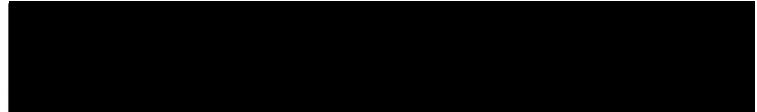
Certified Mail Tracking Number: 7020 0640 0000 3185 5292

Erica McGill
551 Askin Lane
Baxter, TN 38544
(Respondent)

Certified Mail Tracking Number: 7020 0640 0000 3185 5285

Todd H. Neal
Assistant Attorney General
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 5th day of April, 2024


Kimberly W. Pearce, NCCP
Paralegal III
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General Counsel's Office
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