

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 was properly served on Respondent via first class mail. The Notice of Administrative Hearing, Petition for Administrative Hearing, and Affidavit of Service were admitted into evidence as Petitioner's Exhibits 1, 1A, and 2, respectively.

3. Respondent has held a Non-Resident Producer license with authority for Accident and Health or Sickness and Life lines of insurance. Respondent's National Producer License Number (NPN) is 18503529 and license was first active on April 1, 2022. *See* Pet'r's Ex 3.

4. Roy Foster, Analyst Manager, testified that Agent Services became aware of this matter via a report on the Regulatory Information Retrieval System ("RIRS"), an automatic notification system through the National Association of Insurance Commissioners ("NAIC"), that Respondent had received an adverse administrative action in New Mexico. *See* Pet'r's Ex. 4.

5. On or about June 1, 2023, the New Mexico Office of Superintendent of Insurance entered a Final Order effective June 5, 2023 which revoked Respondent's producer license for the following reasons:

- (a) Failing to inform the Superintendent of a change of her address within 30 days of the change in violation of NMSA 1978, § 59A-12-17,
- (b) Providing incorrect, misleading, or materially true information in her license application in violation of NMSA 1978, § 59A-11-14(a)(1) by failing to disclose her termination for cause by USHEALTH Advisors, LLC;
- (c) Violating NMSA 1978, § 59A-11-14(A)(2) by selling, soliciting, and negotiating an unapproved insurance product in New Mexico at a time when she was unlicensed in violation of NMSA 1978, § 58A-12-4;
- (d) Violating NMSA 1978, § 59A-11-14(A)(3) by making a material misrepresentation on her insurance producer application when she intentionally or recklessly failed to disclose that she had been terminated for cause by USHEALTH Advisors, LLC;
- (e) Violating NMSA 1978 § 59A-11-14(A)(5) by intentionally submitting insurance applications containing fraudulent addresses;
- (f) Violating NMSA 1978 § 59A-11-14(A)(18) by demonstrating incompetence and untrustworthiness in the conduct of business; and

- (g) The OSI having determined that the interests of the insureds or the public are not being properly served under the license.
See Pet'r's Ex. 7.

6. Mr. Foster testified that a licensee may report an administrative action against a license by uploading a copy of the administrative action to the NIPR Attachment Warehouse or reporting the administrative action directly to Agent Services. The Attachment Warehouse showed that while Respondent uploaded documents on July 19, 2023, none of those documents pertained to the administrative action. Respondent failed to report the New Mexico adverse action to the Commissioner within thirty (30) days of the final disposition of that matter, as required by N.C. Gen. Stat. § 58-33-32(k). *See Pet'r's Ex. 5.*

7. On July 5, 2023, Agent Services e-mailed Respondent requesting that she provide a written response explaining the New Mexico regulatory action and provide a copy of the order and any documentation of the action to the Department within 10 days. *See Pet'r's Ex. 8.*

8. On July 12, 2023, Respondent replied to Agent Service stating she was unaware and failed to provide the requested written response explaining the regulatory action and provide documentation of that action. Thus, on July 12, 2023, Agent Services Division replied to Respondent's July 12, 2023 e-mail to inform Respondent that she will need to obtain a copy of the regulatory action from the New Mexico Department of Insurance and provided Respondent with a contact name and email address to get this request accomplished. *See Pet'r's Ex. 9.*

9. On July 26, 2023, Agent Services sent a third and last request to Respondent which asked Respondent to provide the response requested by e-mails within 10 days. Respondent did not respond, nor did she ever provide Agent Services with the requested documentation. *See Pet'r's Ex. 10.*

10. By e-mail and letter to Respondent dated August 12, 2023, Agent Services requested that Respondent participate in an informal conference scheduled on September 20, 2023 via telephone to discuss the allegations against her producer's license. *See Pet'r's Ex. 11.*

11. On August 23, 2023, Respondent contacted Agent Services via email indicating that she was aware of the New Mexico action and attempting to appeal the June 1, 2023 final order issued. Additionally, Petitioner admitted into evidence a letter from Respondent dated July 19, 2023, indicating at that time that her email was down and that she attempting to appeal the New Mexico action. *See Pet'r's Exs. 12 and 13.*

12. Mr. Foster testified that on September 20, 2023, Agent Services held the

informal and was unable to reach Respondent by telephone and no other communication was had by the Respondent.

CONCLUSIONS OF LAW

1. Respondent was properly served with the Notice of Hearing and the Department has personal and subject matter jurisdiction in this matter.

2. 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.

3. Respondent failed to report to the Commissioner the administrative action taken against her by the New Mexico administrative action. Based on this failure, Respondent violated N.C. Gen. Stat. § 58-33-32(k).

4. 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.

5. Respondent violated the following insurance laws in New Mexico: NMSA 1978, § 59A-12-17 by failing to inform the Superintendent of a change of her address within 30 days of the change; NMSA 1978, § 59A-11-14(a)(1) by providing incorrect, misleading, or materially true information in her license application; NMSA 1978, § 59A-11-14(A)(2) and NMSA 1978, § 58A-12-4 by selling, soliciting, and negotiating an unapproved insurance product in New Mexico at a time when she was unlicensed; NMSA 1978, § 59A-11-14(A)(3) by making a material misrepresentation on her insurance producer application; NMSA 1978 § 59A-11-14(A)(5) by intentionally submitting insurance applications containing fraudulent addresses; and NMSA 1978 § 59A-11-14(A)(18) by demonstrating incompetence and untrustworthiness in the conduct of business.

6. Based on the New Mexico insurance violations, Respondent's non-resident Producer license is subject to suspension or revocation pursuant to N.C. Gen. Stat. § 58-33-46(a)(2).


7. N.C. Gen. Stat. § 58-33-46(a)(9) states that the Commissioner may place on probation, suspend, or revoke the license of a licensee for having an insurance producer license, or its equivalent, denied, suspended, or revoked in any other jurisdiction for reasons substantially similar to those listed in this subsection.

8. Respondent's violation of N.C. Gen. Stat. § 58-33-32(k), N.C. Gen. Stat. § 58-33-46(a)(2) and N.C. Gen. Stat. § 58-33-46(a)(9) provides the statutory authority for revoking Respondent's resident North Carolina insurance producer license.

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 4th 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

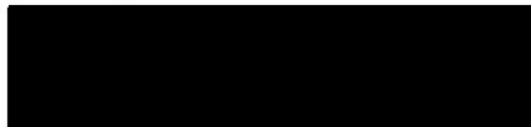
I HEREBY CERTIFY that I have this day served the foregoing **ORDER AND FINAL AGENCY DECISION** by mailing a copy of the same via first class U.S. mail to the licensee at the residential address provided to the Commissioner pursuant to N.C. Gen. Stat. § 58-2-69(b) and (d); and via State Courier to Attorney for Petitioner, addressed as follows:

Amanda Miller
1111 Waller Rd.
Brentwood, TN 37027
(Respondent)

Certified Mail Tracking Number: 70222410000096625536

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

This the 4th day of April, 2024.



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