

NORTH CAROLINA DEPARTMENT OF INSURANCE  
RALEIGH, NORTH CAROLINA

STATE OF NORTH CAROLINA ) COUNTY OF WAKE ) ) ) IN THE MATTER OF: ) ) THE LICENSURE OF ) NATHAN MILLER ) NPN #18456260 ) ) Respondent. ) )	)	BEFORE THE COMMISSIONER OF INSURANCE  ORDER AND FINAL AGENCY DECISION  Docket Number: 2029
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This matter was heard on Wednesday, March 24, 2021, by 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 Rebecca E. Lem represented the North Carolina Department of Insurance, Agent Services Division (hereinafter “Petitioner” or “ASD”). Respondent Nathan Miller (hereinafter, “Respondent”) did not appear.

Nadine Scott testified for the Petitioner. Petitioner introduced Exhibits 1-11 into evidence.

Due to the Respondent’s failure to appear at the hearing, pursuant to 11 NCAC 01.0423(a)(1), the allegations of the Notice of Hearing and attached Petition for Administrative Hearing may be taken as true or deemed to be proved without further evidence.

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 Notice of Administrative Hearing was properly served on Petitioner pursuant to Rule 4 of the North Carolina Rules of Civil Procedure. The Notice of Administrative Hearing and attached Petition and the Affidavit of Service were admitted into evidence as administrative exhibits.

2. Respondent is a resident of Florida.

3. The Department has the authority and responsibility for the enforcement of insurance laws of this State and for regulating and licensing insurance agents. Respondent holds a Non-Resident Producer License with lines of authority in Accident & Health or Sickness, Life, and Medicare Supplement Long Term Care issued by the Department, National Producer Number 18456260. Respondent's license was first issued on October 15, 2017.

4. Nadine Scott, an Agency Examiner with the Agent Services Division (ASD) of the North Carolina Department of Insurance ("Department"), testified that this matter came to ASD's attention due to a "PIC Alert", whereby the Department receives an alert when a licensee has had an adverse regulatory action in another state. These regulatory actions are reflected on the "RIRS report", which showed that Respondent has received adverse regulatory action against his insurance licenses effective June 15, 2020 in California.

5. Ms. Scott testified that upon assignment of this matter, Ms. Scott checked the Department's records and the NIPR Attachment Warehouse to see if Respondent had reported the California administrative action within thirty (30) days as required by statute, and that Respondent had not reported the California regulatory action.

6. Following assignment of the case, and upon noting that Respondent had not reported the California administrative action, Ms. Scott sent requests for documentation and notices of informal conferences to Respondent concerning the regulatory actions on several occasions.

- a. Respondent did not respond to three emails requesting documentation that were sent to him on June 18, June 30, and July 10, 2020.
- b. Respondent did not participate in a telephone informal conference scheduled for August 31, 2020. Mr. Wall of the Agent Services Division left Respondent a voicemail message asking him to call the Agent Services Division back.
- c. On September 2, 2020, Respondent left a voicemail for Ms. Scott indicating that he could participate in an informal conference on September 18, 2020.

- d. The Agent Services Division had to cancel the second attempt at an informal conference scheduled for September 18, 2020, due to a staff member's car problems. Ms. Scott contacted Respondent by email notifying him of the cancellation, and thereafter sent him another email rescheduling the telephone informal conference to October 16, 2020.
- e. Respondent did not participate in the second attempt at a telephone informal conference scheduled for October 16, 2020. Respondent also did not call Agent Services Division back as was requested on a voicemail message left for him during the second informal conference attempt.

7. Ms. Scott testified that Respondent had previously received a written warning from the Department for failure to timely report an administrative action. Documentary evidence was introduced showing that on June 7, 2018, Respondent received a written warning from Megan Daniels, a former Complaint Analyst with the Department, for failure to timely report an administrative action. This written warning also advised Respondent of the requirement to keep his contact information up to date. Respondent replied to Ms. Daniels regarding the written warning in an email that same date stating, "This was a lesson I will not soon forget", and he also provided Ms. Daniels with updated contact information. A review of the North Carolina "State Licensing Report" introduced into evidence during the hearing showed that Respondent has not updated his contact information since that time.

8. Documentary evidence introduced at the hearing showed that on January 23, 2019, Respondent uploaded a copy of another administrative action, "LDOI" into the NIPR Warehouse. This indicated to Ms. Scott that Respondent did know how to report administrative actions through uploading them into the NIPR Warehouse. Ms. Scott also noted that Respondent could have reported administrative actions by emailing them to the Department.

9. As part of the regular course of business, Ms. Scott requested and received copies of the California administrative action taken against Respondent's insurance license from the California Department of Insurance. This action was an "Order of Summary Denial of Unrestricted License and Issuance of a Restricted License." Ms. Scott testified that this California order was an adverse administrative action that Respondent was required to report within thirty (30) days pursuant to N.C. Gen. Stat. § 58-33-32(k).

10. The reasons for the California Administrative Action included failure to timely report administrative actions in other several states, failure to provide a list of appointments, and prior criminal history.

11. Petitioner requested that Respondent's licenses be revoked pursuant to N.C. Gen. Stat. §§ 58-33-32(k) and 58-33-46(a)(2), noting that Respondent has previously received a written warning from the Department on this same violation of failure to timely report an administrative action, and that Respondent has been generally unresponsive to Agent Services Division's attempts to address this matter with him.

### 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 and N.C. Gen. Stat. § 58-2-69(d).

3. Pursuant to 11 NCAC 01.0423(a)(1), as sanction for Petitioner's failure to appear at the hearing, the allegations of the Notice of Hearing and attached Petition may be taken as true or deemed to be proved without further evidence.

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

5. Respondent's failure to report the administrative action against his insurance license in California to the Department within thirty (30) days of the effective date of that action is a violation of N.C. Gen. Stat. § 58-33-32(k).

6. N.C. Gen. Stat. § 58-33-46(a)(2) 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. Respondent's licenses are subject to suspension or revocation under N.C. Gen. Stat. § 58-33-46(a)(2) for failing to report the California administrative action to the Department in violation of N.C. Gen. Stat. § 58-33-32(k).

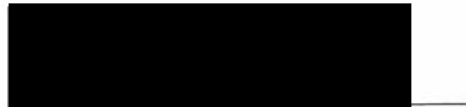
8. Respondent did not provide documentation as requested in three (3) requests sent to him, and never did report the California administrative action to the Department by any means. Further, Respondent failed to participate in both attempts at telephone informal conferences.

Based on the foregoing Finding of Facts and Conclusions of Law, the Hearing Officer enters the following:

**ORDER**

It is ordered that Respondent's licenses issued by the North Carolina Department of Insurance are hereby REVOKED effective as of the date of the signing of this order.

This the 9<sup>th</sup> day of April, 2021.



A. John Hoomani  
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 licensee, at the address 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:

NATHAN MILLER  
454 7<sup>th</sup> Place  
Vero Beach, FL 32962

**Certified Mail Tracking #:70200640000031856008**

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

This the 04<sup>th</sup> day of April, 2021.

  
Mary Faulkner  
Paralegal  
N.C. Department of Insurance  
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Raleigh, NC 27699-1201