

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
BRIONNA MYERS
(NPN # 20664085)

Respondent.

ORDER AND
FINAL AGENCY DECISION

Docket Number: 2273

This matter came on for hearing on April 23, 2025, by the undersigned Hearing Officer, as designated by the Commissioner of Insurance pursuant to North Carolina General Statutes §§ 58-2-70, 58-2-162, 58-2-185, 58-33-32(k), 58-33-46, 150B-38, 150B-40 and 11 N.C.A.C. 1.0401 et seq. and other applicable statutes and regulations. The administrative hearing was held in the North Carolina Department of Insurance's Hearing Room, Room #211, located at 3200 Beechleaf Court, Raleigh, Wake County, North Carolina.

Petitioner, Agent Services Division of the North Carolina Department of Insurance ("Agent Services"), was represented by Assistant Attorney General Rebecca E. Lem. Respondent, Brionna Myers, did not appear and was not represented by counsel.

Petitioner's Exhibits 1- 9 were admitted into evidence.

Matthew Reck, Complaint Analyst for Agent Services, appeared and testified on behalf of the Petitioner.

BASED UPON careful consideration of the evidence and arguments presented at the hearing, and based upon the entire record in this proceeding, the Hearing Officer hereby makes the following Findings of Fact and Conclusions of Law:

FINDINGS OF FACT

1. Agent Services is a division of the North Carolina Department of Insurance ("Department"), which is a state agency responsible, in accordance with

Chapter 58 of the North Carolina General Statutes, for enforcement of insurance laws and regulating and licensing insurance producers.

2. At all relevant times herein, Respondent has held a Non-Resident North Carolina Insurance Producer License ("License") with lines of authority in Accident & Health or Sickness and Life, issued under National Producer Number 20664085. Respondent's License was first active on or about August 13, 2023. See Pet'r's Ex. 3 and 4.

3. Service of the Notice of Administrative Hearing, providing Respondent with due notice of the April 23, 2025 hearing, was perfected on March 10, 2025 upon delivery by certified mail, return receipt requested, addressed to Respondent at the residence address provided to the Department by Respondent, as shown by the Affidavit of Service. See Pet'r's Exs. 1 and 2.

4. At all relevant times herein, Respondent has held a resident (home state) producer license issued by the state of New York and has had a residential address in Pennsylvania on record with the Department, and a mailing address located in the state of Delaware on record with the Department. See Pet'r's Ex. 3 and 4.

5. Respondent held a resident home state producer license issued by the state of Delaware on March 30, 2023, which expired on February 29, 2024. After the Delaware license became inactive, Respondent obtained a resident home state producer license issued by the state of New York on April 23, 2024, which remains active at the date of this hearing. See Pet'r's Exs. 4.

6. On or about May 6, 2024, the Wyoming Department of Insurance ("WYDOI") issued an Order to Show Cause against Respondent due to information received by WYDOI that Respondent was no longer licensed in her home state of Delaware, and therefore no longer eligible to hold a non-resident producer license in the state of Wyoming. As a result of Respondent's subsequent failure to timely respond to WYDOI's Order to Show Cause, an adverse administrative action against Respondent was entered on May 30, 2024 (hereinafter "Wyoming Action"). The May 30, 2024 Wyoming Action was issued as a Default Order, which revoked Respondent's Wyoming license and assessed a civil penalty of \$250.00. See Pet'r's Ex. 9.

7. On May 31, 2024, WYDOI entered a PIC alert regarding the Wyoming Action into Respondent's regulatory action report ("RIRS Report") maintained by the National Association of Insurance Producers ("NAIC"). See Pet'r's Ex. 5.

8. On or about May 31, 2024, Agent Services became aware of the PIC alert entered by WYDOI and assigned the matter to Complaint Analyst Matthew Reck. Among his other duties, Mr. Reck handles licensure investigations and enforcement cases of North Carolina insurance producers on behalf of Agent Services.

9. On June 3, 2024, after Mr. Reck was made aware of the PIC alert entered by WYDOI due to an invalid home state license, Mr. Reck noted in his Enforcement Case Summary, that "the PDB indicates that the home state of Delaware was cancelled and blocked as of 3/1/24; It also indicates that NY is listed as a Resident state...and has been in effect since 5/11/2023." See Pet'r's Ex. 8. Agent Services concluded that Respondent's resident home state license of New York was active on April 23, 2024 and not at issue with the Department.

10. To comply with the reporting requirements of N.C. Gen. Stat. § 58-33-32(k), a North Carolina licensee may report administrative actions taken by other states to the Commissioner within thirty (30) days of the final disposition of the matter, by either directly providing notice and a copy of the action to the Department or by uploading a copy of the administrative action to the attachment warehouse of the National Insurance Producer Registry ("NIPR Attachment Warehouse").

11. When Mr. Reck was assigned the file, he reviewed the NIPR Attachment Warehouse and the Department's other records to see if Respondent had reported the Wyoming Action. Respondent had not yet reported the Wyoming Action to either the NIPR Attachment Warehouse or the Department directly. See Pet'r's Ex. 6.

12. On June 3, 2024, Mr. Reck sent an e-mail to Respondent's email address of record, requesting that she provide documentation including a copy of the order addressing the Wyoming Action. At this time, Respondent could still timely report the Wyoming Action in compliance with N.C. Gen. Stat. § 58-33-32(k), although this fact was not clearly specified in Mr. Reck's e-mail. See Pet'r's Ex. 7a.

13. Mr. Reck subsequently spoke to Respondent that same day via telephone and Respondent was under the impression that the Department believed that there was no home state despite her New York resident producer license, which Agent Services was fully aware of. Mr. Reck informed Respondent that Agent Services just needed a copy of the Wyoming Action and further advised Respondent that the Wyoming "situation" was likely due to NIPR not updating to the state of Wyoming. See Pet'r's Ex. 8.

14. Shortly after their telephone call on June 3, 2024, Respondent promptly e-mailed Agent Services with a copy of the May 6, 2024 "Notice and Order to Show Cause" issued by WYDOI to her, instead of the May 30, 2024 Default Order, which is the final order revoking Respondent's Wyoming insurance license and assessed a

monetary penalty. *See* Pet'r's Ex. 7b. Later that day, Mr. Reck notified Respondent by e-mail that this was not the correct document and that he needed a copy of the Wyoming Action. Mr. Reck also provided Respondent with contact information for WYDOI so that Respondent could request the correct documentation. *See* Pet'r's Ex. 7b.

15. Mr. Reck subsequently sent e-mails on June 13, 2024 and June 24, 2024 to Respondent's email address of record, again requesting that she send a copy of the administrative action to him within ten (10) days of each correspondence. During both dates, Respondent could still timely report the Wyoming Action and comply with N.C. Gen. Stat. § 58-33-32(k), although this fact again was not included in either of Mr. Reck's e-mails. *See* Pet'r's Exs. 7c and 7d. Respondent did not respond to either correspondence or thereafter report the Wyoming Action within thirty (30) days as required by N.C. Gen. Stat. § 58-33-32(k).

16. On July 19, 2024, Mr. Reck sent an informal conference notice by e-mail and first-class U.S. mail to Respondent's addresses of record, scheduling the informal conference by telephone for August 19, 2024 at 2:00pm eastern time, to address Respondent's violation of N.C. Gen. Stat. § 58-33-32(k) for failure to timely report the Wyoming Action to the Department. *See* Pet'r's Ex. 7e. Mr. Reck subsequently sent a reminder e-mail, regarding the informal conference, to Respondent on August 15, 2024. *See* Pet'r's Ex. 7f.

17. On August 19, 2024, an informal conference was held as scheduled and Respondent participated with Agent Services. Mr. Reck was unable to recall at the hearing if Respondent indicating that she had encountered difficulties in obtaining a copy of the Wyoming Action, and Mr. Reck did not make any notes that such a discussion had taken place in his "Enforcement Summary" notes. *See* Pet'r's Ex. 8. Following the informal conference, Respondent was given additional time, until noon on August 23, 2024, to provide a copy of the Wyoming Action to avoid disciplinary action from Agent Services. That same day after the informal conference, Mr. Reck sent an e-mail to Respondent summarizing the same. *See* Pet'r's Ex. 7g. Respondent did not respond to Mr. Reck's email. Despite this extended allowance to provide a copy of the Wyoming Action without penalty, Respondent did not thereafter provide the correct documentation to the Department.

18. Further correspondence, advising Respondent of her options to resolve the matter, was sent to Respondent by e-mail and first-class U.S. mail, by Mr. Reck on August 26, 2024, and October 31, 2024. *See* Pet'r's Ex. 7h and 7i. Respondent did not respond to either of these correspondences.

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. Respondent was properly served with the Notice of Administrative Hearing in this matter pursuant to N.C. Gen. Stat. §§ 58-2-69(d) and 58-2-69(e). and Rule 4 of the North Carolina Rules of Civil Procedure. See Pet'r's Exs. 1 and 2.

3. 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.

4. Respondent violated N.C. Gen. Stat. § 58-33-32(k) by failing to report the Wyoming Action issued on May 6, 2024, revoking Respondent's Wyoming insurance license and assessing a financial penalty, to the Department within thirty (30) days of the disposition of that action. The basis of the Wyoming Action being Respondent's ineligibility to be licensed in Wyoming upon no longer being active in her home state, which Wyoming indicated to be Delaware.

5. The undersigned also gives weight to the fact that Agent Services contends Respondent's resident home state license of New York was active as of April 23, 2024 and not at issue at the hearing. Additionally, Agent Services contention that the Wyoming administrative action, issued shortly after the New York resident home state license, was likely a result of Respondent's residence home state information not updating in the NIPR system from Delaware to New York.

6. Pursuant to N.C. Gen. Stat. § 58-33-46(a)(2) 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.

7. By violating N.C. Gen. Stat. § 58-33-32(k) by failing to report the Wyoming Action, the Respondent has violated a North Carolina insurance law within the meaning of N.C. Gen. Stat. § 58-33-46(a)(2).

8. Pursuant to N.C. Gen. Stat. § 58-2-70(c) the Commissioner is authorized to order the payment of a monetary penalty upon a finding of a violation of Chapter 58 of the North Carolina General Statutes.

9. The undersigned also gives weight to the fact that while Respondent did respond and provided the Department with a document related to and preceding the Wyoming Default Order revoking her license and assessing a financial penalty

against her, and Respondent participated in the informal conference on August 19, 2024. Respondent therefore has previously made some attempts to comply with and communicate with Mr. Reck's request concerning the Wyoming administrative action.


10. Respondent's violations of N.C. Gen. Stat. §§ 58-33-32(k) and 58-33-46(a)(2) provide sufficient statutory authority for the Commissioner to take disciplinary action against Respondent's non-resident insurance producer license.

11. Based on the foregoing Findings of Facts and Conclusions of Law, the undersigned Hearing Officer enters the following:

ORDER

It is hereby ORDERED that Respondent shall pay a monetary penalty of two hundred dollars (\$200.00) to the Department of Insurance within forty-five (45) days of the mailing of this Order. The form of payment shall be by certified check, cashier's check, or money order. The check or money order for the payment of this civil penalty shall be payable to the "North Carolina Department of Insurance." Respondent shall remit the civil penalty by certified mail, return receipt requested, to the Department. **The civil penalty must be received by the Department no later than January 12, 2026.** Failure to timely pay this monetary penalty is a violation of an Order of the Commissioner and may result in further disciplinary action against the Respondent's license for failure to comply with an Order of the Commissioner pursuant to N.C. Gen. Stat. § 58-33-46(a)(2).

This the 20th day of November, 2025.


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 **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 residential addresses provided to the Commissioner pursuant to N.C. Gen. Stat. § 58-2-69(b) and (d); via courtesy e-mail to Respondent; and via State Courier to Petitioner, addressed as follows:

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19 Mast Road
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brionnamyers12@gmail.com
licensing@benefitsasap.com
(Respondent)

Certified Mail Tracking Number: 9589 0710 5270 2684 3153 16

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Certified Mail Tracking Number: 9589 0710 5270 2684 3153 23

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This the 26th day of November, 2025.



Raheema I. Moore
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