

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
ARIEL PERKINS
(NPN# 20761235)

Respondent.

ORDER AND
FINAL AGENCY DECISION

Docket Number: 2195

THIS MATTER was heard on July 24, 2024, 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 Room #131 of the Albemarle Building, located at 325 North Salisbury Street, Raleigh, North Carolina.

Petitioner, the Agent Services Division of the North Carolina Department of Insurance ("Petitioner" or "ASD"), was present and represented by Assistant Attorney General, Nicholas B. Sorensen. Jeffrey Miller, Complaint Analyst with ASD ("Miller"), appeared and testified on behalf of Petitioner. Respondent, Ariel Perkins, ("Respondent") did not appear and was not represented by counsel at the hearing.

The undersigned Hearing Officer accepted and considered testimony and evidence offered by ASD in support of the Petition at the hearing. *See* Pet'r Ex. 1.

Petitioner's Exhibits 1-10 were admitted into evidence. Exhibit 11 was marked for identification only.

The Petition for Administrative Hearing alleged that Respondent violated N.C. Gen Stat. §§ 58-33-32(k) and 58-33-46(a)(2) for failure to report another state's administrative action.

BASED UPON careful consideration of the allegations set forth in the Notice of Administrative Hearing ("Notice") and attached Petition for Administrative Hearing ("Petition") in this matter, as well as documentary and testimonial evidence presented 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 ("NCDOI") is a state agency responsible, in accordance with Chapter 58 of the North Carolina General Statutes, for the enforcement of the insurance laws of North Carolina and for regulating and licensing insurance producers.

2. Subsections (b) (d) and (e) of N.C. Gen. Stat. § 58-2-69 provide authority to the Commissioner to give notice to any licensee by sending such notices by first-class mail at the address or addresses that a licensee provides to the Commissioner pursuant to N. C. Gen. Stat. § 58-2-69(b). Respondent provided the following address to the Commissioner (see Pet'r Exs. 1, 2, and 4):

ARIEL PERKINS
47 BOBBYS WAY, APT. 304
STAUNTON, VA 24401

3. The Affidavit of Service indicates that copies of the Notice of Hearing and Petition were deposited in first-class, U.S. mail addressed to Ms. Perkins as indicated at the above address on June 14, 2024. Service of the Notice of Hearing and the Petition at this address was perfected upon the expiration of four (4) days after June 14, 2023, or on June 18, 2024. See Pet'r Exs. 1 and 2.

4. Respondent holds an active nonresident Insurance Producer License with lines of authority for personal and life ("License"). Respondent's License was first active in North Carolina on July 26, 2023. See Pet'r Ex. 4.

5. Miller is a Complaint Analyst with ASD and, as part of his job responsibilities, handles enforcement files for ASD. Enforcement files include responding to complaints and handling Personalized Information Capture System's Alerts ("PIC Alerts") received through the NAIC system. PIC Alerts are sent to NCDOI by NAIC if another state enters the information into the system and takes Administrative Action against a North Carolina licensee. Miller was assigned the PIC Alert relating to Respondent that was entered into the NAIC system by the Kansas's Department of Insurance on January 24, 2024. See Pet'r Ex. 5. Miller handled the investigation of Petitioner's enforcement file from initial assignment up until the date of the hearing.

6. Miller, as part of his enforcement investigation relating to Respondent, obtained a copy of Kansas' administrative action. The administrative action from the Kansas Insurance Department was a Decision on License Application effective August 25, 2023. See Pet'r Ex. 10. This action denied Respondent's application for a nonresident insurance producer license in Kansas due to her criminal history pursuant to K.S.A. 40-4909. Miller determined that this administrative action had

not been reported to the Commissioner within 30 days of its final disposition as required by N.C. Gen. Stat. § 58-33-32(k).

7. Miller, during his investigation of the enforcement file relating to Kansas' Decision on License Application, reviewed various documents relating to Respondent. These documents included Respondent's state-based system licensee summaries (see Pet'r Ex. 4, Respondent's NAIC state licensing reports from the Producer Database (see Pet'r Ex. 3), and Respondent's reports listed on the Regulatory Information Retrieval System ("RIRS") (see Pet'r Ex. 5).

8. Miller contacted Respondent on January 29, 2024, by sending correspondence to her business (tpusaagentlicensing@teleperformance.com) and personal email address (arielxperkins01@icloud.com) of record. See Pet'r's Exs. 3, 4, and 6. This January 29, 2024, correspondence advised Respondent that NCDOI had been made aware of an administrative action taken by the Kansas Department of Insurance with an effective date of August 25, 2023. Miller indicated that Kansas' administrative action had not yet been reported to NCDOI "...as is required." See Pet'r Ex. 6. Miller's January 29, 2024, correspondence requested that Respondent provide a written response and documentation of Kansas's administrative action taken against her license within ten (10) days of January 29, 2024. Respondent did not respond to Miller's demands for documents and information.

9. On March 4, 2024, Miller sent correspondence to Respondent's business and personal email address and mailed a copy of this correspondence to 47 Bobbys Way, Apt. 304, Staunton, VA 24401-4179. See Pet'r's Exs. 7 and 8. Miller's March 4, 2024, correspondence informed Respondent that since she failed to report Kansas's Decision on License Application within 30 days of the effective date, she appeared to be in violation of N.C. Gen. Stat. §§ 58-33-46(a)(2) and 58-33-32(k). This March 4, 2024, correspondence also informed Respondent that an Informal Telephonic Conference had been scheduled for April 10, 2024, at 10:00 a.m., to discuss these allegations further. *Id.*

10. Miller held the Informal Conference with Respondent and his supervisor Nadine Scott on April 10, 2024, at 10:00 a.m. to further discuss the late reporting of Kansas's Decision on License Application.

11. On April 10, 2024, Miller sent correspondence to Respondent's personal email address summarizing the discussions had at the informal conference held at 10:00 a.m. that day. See Pet'r Ex. 9. Respondent did not respond to Miller's correspondence. On April 22, 2024, Miller sent correspondence to Respondent's personal email address seeking a response to the previous correspondence and to the discussions held at the informal conference. Respondent did not respond to Miller's correspondence.

BASED UPON the foregoing Findings of Fact, the undersigned Hearing Officer makes the following:

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. Despite proper service of the Notice of Administrative Hearing and the Petition for Administrative Hearing upon Respondent in this matter pursuant to N. C. Gen. Stat. § 58-2-69 (b), (d), and (e), Respondent failed to attend the July 24, 2024, hearing. See Pet'r's Exs. 1 and 2.
3. Pursuant to N. C. Gen. Stat. § 58-33-46(a)(2), one reason the Commissioner is justified to revoke a license issued by the Department of Insurance is for a violation of the insurance law of North Carolina. See Pet'r Ex. 1.
4. N. C. Gen. Stat. § 58-33-32(k) is a North Carolina insurance law which requires an insurance producer to report to the Commissioner "any administrative action" taken against the producer by another state "within 30 days after the final disposition of the matter." Section 58-33-32(k) further specifies that this report "shall include a copy of the order or consent order and other information or documents filed in the proceeding necessary to describe the action."
5. Respondent violated the insurance law of North Carolina within the meaning of N.C. Gen. Stat. § 58-33-46(a)(2) by failing to report Kansas' Decision on License Application as required by N.C. Gen. Stat. § 58-33-32(k), within thirty (30) days of the final disposition.
6. Based on the evidence received, and the applicable law, the undersigned Hearing Officer concludes that Respondent's North Carolina resident insurance producer license should be revoked under N.C. Gen. Stat. § 58-33-46(a)(2) for his violations of N.C. Gen. Stat. § 58-33-32(k).

Based on the foregoing Findings of Fact and Conclusions of Law, the Hearing Officer enters the following:

ORDER

It is ORDERED that Respondent's insurance producer license issued by the North Carolina Department of Insurance is hereby REVOKED effective as of the date of the signing of this Order.

This 30th day of August, 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 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 Respondent at the address the licensee provided to the Commissioner pursuant to N.C. Gen. Stat. § 58-2-69(b), (d) and (e); and via State Courier to Attorney for Petitioner, addressed as follows:

Ariel Perkins
47 Bobbys Way, Apt. 304
Staunton, VA 24401
(Respondent)


Certified Mail Tracking Number: 9589 0710 5270 0742 5938 29

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

I **HEREBY CERTIFY** that I have this day served a courtesy copy of the foregoing **ORDER and FINAL AGENCY DECISION** by electronic mail to the Respondent at the electronic mail address set out below:

Ariel Perkins
Arielxperkins01@icloud.com
(Respondent)

This the 30th day of August, 2024


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