

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
FORREST RIGDON
(NPN # 19855544)

Respondent.

ORDER AND
FINAL AGENCY DECISION

Docket Number: 2270

THIS MATTER came on for hearing on March 31, 2025 by the undersigned Hearing Officer, as designated by the North Carolina Commissioner of Insurance ("Commissioner") under N.C. Gen. Stat. § 58-2-55. The administrative hearing was held in the Hearing Room of the North Carolina Department of Insurance located at 3200 Beechleaf Court, Wake County, North Carolina.

Petitioner, the Agent Services Division of the North Carolina Department of Insurance ("Agent Services"), was represented by Assistant Attorney General Whitney Shaffer. Respondent Forrest Rigdon ("Respondent") appeared *pro se* and participated remotely via Webex.

Respondent acknowledged receipt of the Notice of Administrative Hearing and Petition, which provided due notice of this hearing and the allegations in compliance with Article 3A Section 150B-38 and service was perfected pursuant to N. C. Gen. Stat. § 58-2-69(d)-(e) (See Administrative Exhibits 1 and 2). Respondent admitted to the violations alleged in the Petition and requested to be heard at the appropriate time. Petitioner made an oral motion to limit the disciplinary action sought by Agent Services to a civil monetary penalty in this matter in lieu of the revocation as noted in the Petition. The undersigned Hearing Officer proceeded to hear testimony as to the facts in this matter.

Jeff Miller, Complaint Analyst, appeared and testified on behalf of Agent Services. Petitioner's Exhibits 1 through 9, and all subparts, were admitted into evidence without limitations. Respondent testified on his own behalf and did not introduce any exhibits as evidence.

BASED UPON careful consideration of the evidence and arguments presented at the hearing by Petitioner and Respondent, 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. Service of the Notice of Administrative Hearing and Petition was perfected on March 4, 2025 by delivery by certified mail, return receipt requested, addressed to Respondent at the residence address of record provided to Agent Services, as shown by the Affidavit of Service. *See* Pet'r's Exs. 2 and 3.

2. Agent Services is a division of the North Carolina Department of Insurance ("Department"), which is a state agency, responsible for the enforcement of insurance laws and for regulating and licensing insurance producers in accordance with Chapter 58 of the North Carolina General Statutes.

3. Respondent currently holds an active non-resident North Carolina insurance producer license issued by the Department with lines of authority in Life and Accident and Health or Sickness ("License"). Respondent's License was issued NPN No. 198555444 and first active on October 7, 2022. *See* Pet'r's Ex. 3.

4. Respondent is a resident of Florida. *See* Pet'r's Ex. 4.

5. On or about February 7, 2024, the Kansas Department of Insurance entered an adverse administrative action against Respondent which was effective November 3, 2022. At such time, Agent Services became aware that the Kansas Department of Insurance denied Respondent's September 12, 2022 application for licensure because Respondent was refused a professional license in Florida and for providing incorrect, misleading, incomplete or untrue information on his Kansas insurance license application. *See* Pet'r's Ex. 5 and 9.

6. Respondent did not report the November 3, 2022 Kansas administrative action to the Commissioner within thirty days after the final disposition of the matter as required by N.C. Gen. Stat. § 58-33-32(k).

7. On or about February 19, 2024, Jeff Miller, a Complaint Analyst with Agent Services, was assigned to investigate Respondent's Kansas administrative action. Mr. Miller e-mailed Respondent at his electronic address of record requesting that Respondent produce documentation regarding the Kansas administrative action to Agent Services within ten days. *See* Pet'r's Ex. 8a.

8. Agent Services again made multiple attempts to communicate with Respondent via e-mail and U.S. mail to the addresses of record, instructing Respondent to provide requested documents to properly report his Kansas administrative action to the Department as required by N.C. Gen. Stat. § 58-33-32(k). *See* Pet'r's Exs. 8b-d.

9. Respondent e-mailed Mr. Miller on March 15, 2024 indicating receipt of the February 19, 2024 communication. Respondent confirmed that he had received an administrative action from Kansas and requested clarification on the nature of Agent Services' investigation. *See* Pet'r's Ex. 8e.

10. Between March 26, 2024 - April 2, 2024, Agent Services sent multiple correspondence to Respondent via e-mail and US mail, clarifying the investigation of the Kansas administrative action and scheduling an informal conference with Respondent set on May 9, 2024. *See* Pet'r's Ex. 8f-g.

11. Agent Services conducted an informal conference via telephone with Respondent as scheduled on May 9, 2024. Agent Services discussed the Kansas administrative action with Respondent and proposed options to address this issue. Respondent failed to communicate with Agent Services to address this matter further prior to the administrative hearing. *See* Pet'r's Ex. 7.

12. Respondent admitted that he had not sent Agent Services proper documentation of the Kansas administrative action as requested and he failed to communicate due to his lack of checking his email. He indicated, by way of explanation, that he was confused as to his reporting requirements.

13. To comply with the reporting requirements of N.C. Gen. Stat. § 58-33-32(k), North Carolina licensees may report administrative actions taken by other states to the Commissioner by either directly providing notice and a copy of the action directly to the Department or by uploading a copy of the administrative action to the attachment warehouse of the National Insurance Producer Registry (NIPR). As of the March 31, 2025 administrative hearing, Respondent had not reported the Kansas action to the Department by any satisfactory means available. *See* Pet'r's Exs. 6 and 8a-h.

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. § 150B-38(c).

3. Pursuant to N.C. Gen. Stat. § 58-33-46(a)(2), one basis for disciplinary action against the license issued by the Department is a violation of the insurance laws of North Carolina or any other State.

4. Pursuant to N.C. Gen. Stat. § 58-33-32(k), an insurance producer is required 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.” The statute specifies that “[t]he 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 was subject to administrative actions taken against his licenses by the state of Kansas and the undersigned finds that Respondent was required to timely report these actions to the Commissioner pursuant to N.C. Gen. Stat. § 58-33-32(k).

6. Respondent admitted during testimony that he failed to report the November 3, 2022 Kansas administrative action to the Commissioner within thirty days of the action’s final disposition, as mandated by N.C. Gen. Stat. § 58-33-32(k).

7. By failing to timely report the Kansas administrative action within thirty days of its final disposition, Respondent violated a North Carolina insurance law within the meaning of N.C. Gen. Stat. § 58-33-46(a)(2).

8. Agent Services’ evidence further shows that Respondent failed to provide, pursuant to multiple written requests from Agent Services, documents and other information related to Agent Services’ licensure investigation, despite Respondent’s obligations to provide information to Agent Services “on demand” under N.C. Gen. Stat. §§ 58-2-185 and 58-2-195.

9. Failure to provide documentation and information regarding administrative action taken by another state deprives the Department of information directly relevant to its evaluation of whether a licensee should continue to engage in the insurance business in North Carolina. To help Agent Services supervise insurance producer licensees and protect North Carolina insurance consumers, N.C. Gen. Stat. § 58-33-32(k) requires that licensees provide a copy of “the order or consent order and other information or documents filed in the proceeding necessary to describe the action” with the licensee’s report to Agent Services. Because administrative actions can be reported online to nearly all state regulators at one time using the NIPR attachment warehouse, compliance with this provision is relatively quick and simple. Nevertheless, as of the date of the hearing in this matter, Respondent had not sent copies of the November 3, 2022 Kansas Notice of Denial to Agent Services or uploaded them to the NIPR attachment warehouse. Nor did Respondent provide sufficient justification as to any impediments that would prevent him from statutory compliance during his testimony at the hearing.

10. Respondent’s offenses here are mitigated by Agent Services’ evidence that Respondent did respond to the inquiry sent on February 19, 2024, directed to

Respondent's electronic and mailing addresses of record, seeking information and documents regarding the Kansas administrative action, in violation of N.C. Gen. Stat. §§ 58-2-185 and 58-2-195. Additionally, Respondent attended an informal conference with Agent Services on May 9, 2024, and attended the hearing on March 31, 2025, at which he admitted responsibility for his failure to provide the necessary documentation.


11. Based on the evidence received and the applicable law, the undersigned Hearing Officer concludes that sufficient grounds exist for Respondent's North Carolina non-resident insurance producer license to be subject to a civil monetary penalty of \$250.00 for the violations of N.C. Gen. Stat. §§ 58-33-46(a)(2), 58-33-32(k), 58-2-185 and 58-2-195.

BASED UPON the foregoing Findings of Fact and Conclusions of Law, the Hearing Officer enters the following:

ORDER

It is ORDERED that pursuant to N.C. Gen. Stat. § 58-2-70(c), Respondent Forrest Rigdon shall pay a civil monetary penalty in the amount of \$250.00. Payment shall be by certified funds, to include certified bank check, cashier's check or money order, made payable to the "North Carolina Department of Insurance" and submitted within thirty (30) days of receipt of this Order. Payment shall be addressed to the Agent Services Division (Attention: Nadine Scott, ASD), at 1204 Mail Service Center, Raleigh, NC 27699-1204. Failure to comply with the terms of this Order may provide grounds for administrative action, to include, but not limited to, revocation, non-renewal, or suspension.

This 9th day of May, 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. § 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 copies of the same via electronic mail, via certified U.S. Mail, return receipt requested and via first class U.S. Mail to the Respondent 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:

Forrest Rigdon
4149 Montrose Court
Orlando, FL 32812
forrestrigdonllc@gmail.com
(Respondent)

Certified Mail Tracking Number: 9589 0710 5270 1723 5214 35

Whitney N. Shaffer
Assistant Attorney General
N.C. Department of Justice
9001 Mail Service Center
Raleigh, NC 27699-9001
(Attorney for Petitioner)

This 9th day of May, 2025.



Raheema I. Moore
Clerk of Administrative Hearings
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