

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
SAMANTHA ROBINSON
(NPN # 20294034)

Respondent.

ORDER AND
FINAL AGENCY DECISION

Docket Number: 2184

This matter was heard on Wednesday, June 26, 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 the Albemarle Building, located at 325 North Salisbury Street, Raleigh, Wake County, North Carolina. Special Deputy Attorney General M. Denise Stanford represented the North Carolina Department of Insurance (hereinafter "Department"), Agent Services Division (hereinafter "Petitioner" or "ASD"). Respondent SAMANTHA ROBINSON (hereinafter, "Respondent") did not appear and was not represented by counsel.

Petitioner's motion for the imposition of sanctions pursuant to 11 NCAC 01.0423(a) due to Respondent's failure to appear at the hearing was DENIED. The undersigned hearing officer proceeded to accept and consider testimony and evidence offered by ASD in support of its Petition at the hearing.

Melody Hocutt, Complaint Analyst with ASD, testified for the Petitioner. Petitioner introduced Exhibits 1-9 into evidence.

Based on the allegations set forth in the Notice of Hearing and attached Petition 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 N.C. Gen. Stat. § 58-2-69(d) and 58-2-69(e). See Pet'r Exs. 1 and 2.

2. The Notice of Administrative Hearing and attached Petition and the Affidavit of Service were admitted into evidence as administrative exhibits. *See* Pet'r Exs. 1 and 2.

3. Respondent is a resident of Missouri. *See* Pet'r Exs. 3 & 4.

4. 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, National Producer Number 20294034, with lines of authority in Life, Accident & Health or Sickness and Medicare Supplement/Long Term Care, first active on or about September 4, 2022. *See* Pet'r Exs. 3 and 4.

5. Respondent notified the Department on or about February 22, 2024 that she had legally changed her name from "Samantha Dalton" to "Samantha Robinson." *See* Pet'r Exs. 6a and 6d.

6. On or about December 22, 2022, Respondent received an adverse administrative action from the Florida Department of Insurance when her license application was denied due to failure to disclose felony convictions. *See* Pet'r Exs. 5, 6a, 6b & 9a.

7. Respondent failed to notify the North Carolina Commissioner of Insurance ("Commissioner") of the Florida administrative action within thirty (30) days as required by N.C. Gen. Stat. § 58-33-32(k). *See* Pet'r Exs. 6a and 6b.

8. On or about September 2, 2023, Respondent received an adverse administrative action from the California Department of Insurance when her insurance license was revoked for a failure to disclose her criminal history on her license application and for failure to report another state's administrative action. *See* Pet'r Exs. 5 and 9b.

9. Respondent failed to notify the Commissioner of the California administrative action within thirty (30) days as required by N.C. Gen. Stat. § 58-33-32(k). *See* Pet'r Ex. 6a.

10. ASD Complaint Analyst Melody Hocutt ("Ms. Hocutt") testified that she was assigned to this matter due to the "PIC Alert" obtained through the Regulatory Information Retrieval System ("RIRS system") notifying the Department that Respondent had received adverse administrative actions in Florida and California. *See* Pet'r Ex. 5. Ms. Hocutt testified that a licensee is required to report adverse administrative actions they receive in other states to the Department within thirty (30) days of the effective date of those actions pursuant to N.C. Gen. Stat. § 58-33-

32(k), including license suspensions and license revocations. Ms. Hocutt noted that licensees may report such administrative actions by directly reporting to the Department by email or mail or by uploading the document to the NIPR Attachment Warehouse. Upon receiving this assignment, Ms. Hocutt searched the Department's records and the NIPR Attachment Warehouse and discovered that Respondent did not report the Florida action until July 10, 2023 and had failed to report the California administrative action to the Department. *See* Pet'r Ex. 6a.

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 N.C. Gen. Stat. §§ 58-2-69(d) and 58-2-69(e). *See* Pet'r Exs. 1 and 2.

3. The evidence presented at the hearing supports the allegations of the Notice of Hearing and Petition. Respondent was required to report each of the adverse administrative actions within thirty (30) days of the effective date of those actions pursuant to N.C. Gen. Stat. § 58-33-32(k). Respondent did not report the December 22, 2022 Florida administrative action until July 10, 2023, in violation of N.C. Gen. Stat. § 58-33-32(k). Respondent never reported the California administrative action, also in violation of 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, revoke or refuse to renew the license of a licensee that 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 the Financial Industry Regulatory Authority. Respondent's violations of N.C. Gen. Stat. § 58-33-32(k) in failing to report timely the Florida administrative action and failing to report the California administrative action are violations of the insurance law of this State and cause for disciplinary action against his insurance license pursuant to N.C. Gen. Stat. § 58-33-46(a)(2).

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

ORDER

It is ordered that Respondent'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 10th day of January, 2025.



Kyle Heuser
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 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:

Samantha Robinson
54 Plackemeier Dr.
O'Fallon, MO 63366
(Respondent)

Certified Mail Tracking Number: 9589 0710 5270 0742 5897 85

M. Denise Stanford
Special Deputy Attorney General
N.C. Department of Justice
Insurance Section
9001 Mail Service Center
Raleigh, NC 27699-9001
(Attorney for Petitioner)

This the 10th day of January, 2025.


Kimberly W. Pearce, NCCP
Clerk of Court for Administrative Hearings
Paralegal III
N.C. Department of Insurance
1201 Mail Service Center
Raleigh, NC 27699-1201