

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
SEAN STEWART
(NPN #17257340)

Respondent.

ORDER AND
FINAL AGENCY DECISION

Docket Number: 1921

THIS MATTER was heard on May 15, 2019 by the undersigned Hearing Officer, designated by the North Carolina Commissioner of Insurance ("Commissioner") under N.C. Gen. Stat. § 58-2-55, pursuant to a First Amended Notice of Administrative Hearing ("First Amended NOAH") that was duly issued and served on Respondent Sean Stewart ("Respondent").

Respondent, proceeding *pro se*, failed to appear at the hearing.

Petitioner Agent Services Division ("ASD") of the North Carolina Department of Insurance ("NCDOI") was present at the hearing and was represented by Terence D. Friedman, Assistant Attorney General. NCDOI employee Nadine Scott testified at the hearing.

ASD offered into evidence Petitioner's Exhibits 1 through 8, which were admitted into evidence.

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

FINDINGS OF FACT

1. NCDOI is a state agency responsible, in accordance with Chapter 58 of the North Carolina General Statutes, for enforcement of the insurance laws of North Carolina and for regulating and licensing professional and surety bail bondsmen.

2. Respondent holds an active North Carolina license as a non-resident insurance producer, NPN Number 17257340.

3. Pursuant to N.C. Gen. Stat. § 58-2-69, Respondent has listed with the NCDOI residential and business addresses.

4. On March 28, 2019, the NCDOI served, via First Class U.S. Mail and First-Class U.S. Registered Mail, receipt requested, a copy of the First Amended NOAH on Respondent at his residential and business addresses listed with the NCDOI and at another address – 1751 Lacombe St. NW, Palm Bay, FL – obtained from an insurance company that appointed Respondent. The copy of the First Amended NOAH served on Respondent via First Class U.S. Registered Mail, receipt requested, at the LaCombe St. NW address was signed for by an individual whose last name appears to be “Stewart.”

5. N.C. Gen. Stat. § 58-33-32(k) provides:

A producer shall report to the Commissioner any administrative action taken against the producer in another state or by another governmental agency in this State within 30 days after the final disposition of the matter. As used in this subsection, “administrative action” includes enforcement action taken against the producer by the FINRA. 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.

6. Effective December 12, 2017, the Missouri Department of Insurance denied Respondent his request to renew his insurance producer’s license in that state (“Missouri Action”). Respondent did not advise the Commissioner of the Missouri Action.

7. Effective May 2, 2018, the Office of the Washington State Insurance Commissioner revoked Respondent’s insurance producer’s license in that state (“Washington Action”). Respondent did not advise the Commissioner of the Washington Action.

CONCLUSIONS OF LAW

1. This matter is properly before the Commissioner, and he has jurisdiction over the parties and the subject matter.

2. Respondent was properly served with the First Amended NOAH in this matter.

3. This matter is properly before the Commissioner, and he has jurisdiction over the parties and the subject matter.

4. N.C. Gen. Stat. § 58-33-46(a)(2) permits the Commissioner to revoke an insurance producer's license for "[v]iolating any insurance law of this or any other state, violating any administrative rule, subpoena, or order of the Commissioner or of another state's insurance regulator, or violating any rule of the FINRA."

5. The Missouri and Washington Actions are administrative actions within the meaning of N.C. Gen. Stat. § 58-33-32(k). Respondent violated N.C. Gen. Stat. § 58-33-32(k) – an insurance law of this state – by failing to report the Missouri and Washington Actions to the Commissioner.

ORDER

Based upon the foregoing Findings of Fact and Conclusions of Law, it is ORDERED that Respondent's non-resident insurance producer's license be REVOKED.

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 the 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, 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.

This the 6th day of June, 2019.



A. John Hoomani, Hearing Officer

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I have this day served a copy of the foregoing ORDER AND FINAL AGENCY DECISION by mailing a copy of the same via certified U.S. Mail, return receipt requested, in a first-class postage prepaid envelope, and via State Courier, addressed as follows:

Sean Stewart
1751 LaCombe St. NW
Palm Bay, FL 32907-8111

Pro Se Petitioner

Certified Mail Tracking Number: 70170530000073185975

Terence D. Friedman
Assistant Attorney General
N.C. Department of Justice –
Insurance Section
P.O. Box 629
Raleigh, NC 27602

Attorney for Respondent

This the 6th day of June, 2019.


Mary Faulkner
Paralegal
N.C. Department of Insurance
General Counsel's Office
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Raleigh, NC 27699-1201