

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
KHONSAVON VANGDARA
(NPN #19591111)

Respondent.

ORDER AND
FINAL AGENCY DECISION

Docket Number: 2212

This matter came on for hearing on September 10, 2024, in Hearing Room #131 the Albemarle Building, 325 North Salisbury Street, Raleigh, North Carolina before the undersigned Hearing Officer, as designated by the North Carolina 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.

Petitioner, the Agent Services Division ("Petitioner" or "Agent Services") of the North Carolina Department of Insurance (the "Department") was represented by Assistant Attorney General Anne Goco Kirby. Respondent Khonsavon Vongdara (hereinafter, "Respondent") did not appear and was not represented by counsel at the hearing.

Petitioner's Exhibits 1- 13 were admitted into evidence.

Nadine Scott, Compliance Section Supervisor for the Department's Agent Services Division, appeared and testified for the Department.

Based upon the allegations set forth in the Notice of Hearing, the Petition for Administrative Hearing, Affidavit of Service, the testimony of Nadine Scott, arguments, and documentary exhibits presented at the hearing, the undersigned Hearing Officer hereby makes the following Findings of Fact and Conclusions of Law:

FINDINGS OF FACT

1. The Department has the authority and responsibility for the enforcement of insurance laws of this State and for regulating and licensing insurance agents. At all relevant times herein, Respondent held a Non-Resident

Producer license with authority for Accident and Health or Sickness and Life lines of insurance. Respondent's National Producer License Number (NPN) is 19591111.

2. Effective October 12, 2023, the Arkansas Commissioner of Insurance entered into a Consent Order with Respondent. Pursuant to the Consent Order, Respondent's producer license was revoked for: (1) no longer being "deemed by the Commissioner to be competent, trustworthy, financially responsible, and of good personal and business reputation" and (2) "forging another's name to an application for insurance or to any document related to an insurance transaction" in violation of Ark. Code Ann. § 23-64-512(a)(10).

3. Effective February 18, 2024, the California Department of Insurance entered an Order of Summary Revocation which revoked Respondent's producer license for having had his Arkansas producer's license revoked.

4. N.C. Gen. Stat. § 58-33-32(k) requires a producer to report to the Commissioner any administrative action taken against the producer in another state within 30 days after the final disposition of the matter. The report "shall include a copy of the order or consent order and other information or documents filed in the proceeding necessary to describe the actions. *See* N.C. Gen. Stat. § 58-33-32(k).

5. Respondent failed to report the administrative actions taken by the Arkansas Department of Insurance and California Department of Insurance to the Department within 30 days after final disposition of such administrative actions as required by N.C. Gen. Stat. § 58-33-32(k).

6. Pursuant to N.C. Gen. Stat. § 58-2-195(a) and 11 NCAC 6A .0402(d)(2), Agent Services e-mailed Respondent on October 24, 2023 requesting that Respondent provide a written response explaining the Arkansas regulatory action and provide any documentation of the action to the Department within 10 days. Respondent failed to provide the requested response to the Department's October 24, 2023 request. Thus, on November 6, 2023, Agent Services e-mailed a follow up response request to Respondent which asked Respondent to provide a response to Agent Services' original October 24, 2023 email request within 10 days.

7. Respondent again failed to provide the requested response to the Department. Thus, on November 17, 2023, Agent Services Division e-mailed a third and final follow up request asking that Respondent provide Agent Services with a response to Agent Services' prior email requests within 10 days. Respondent again failed to provide the requested response to Agent Services.

8. By e-mail and letter to Respondent dated December 5, 2023, Agent Services requested that Respondent participate in an informal telephonic conference

with Agent Services on January 18, 2024 to discuss the allegations against Respondent's producer's license arising out of the revocation of Respondent's Arkansas producer license and Respondent's failure to report the revocation to the Department as required by N.C.G.S. § 58-33-32(k). Respondent did not participate in the conference. By email to Respondent on January 23, 2024, Agent Services informed Respondent that it would petition for an administrative hearing against his producer's license.

CONCLUSIONS OF LAW

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

2. Respondent was properly served with the Notice of Hearing in this matter but failed to attend the September 10, 2024 hearing or retain counsel to represent Respondent at the hearing.

3. Respondent violated N.C. Gen. Stat. § 58-33-32(k) by failing to report the administrative actions taken against her by the Arkansas and California Departments of Insurances to the Department and violating the insurance laws of Arkansas.

4. N.C. Gen. Stat. § 58-33-46(a)(2) states that 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 the Financial Industry Regulatory Authority.

4. Respondent's non-resident Producer license should be revoked pursuant to N.C. Gen. Stat. § 58-33-46(a)(2) based upon Respondent's violations of N.C. Gen. Stat. § 58-33-32(k) and Respondent's violation of the insurance laws of Arkansas.

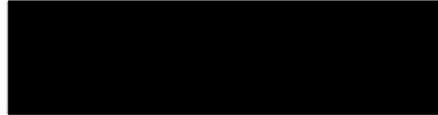
5. N.C. Gen. Stat. § 58-33-46(a)(9) states that the Commissioner may place on probation, suspend, or revoke the license of a licensee for having an insurance producer license, or its equivalent, denied, suspended, or revoked in any other jurisdiction for reasons substantially similar to those listed therein.

6. Respondent's non-resident Producer license should be suspended or revoked pursuant to N.C. Gen. Stat. § 58-33-46(a)(9) for having Respondent's Arkansas and California insurance producer licenses revoked by these state insurance regulators for reasons substantially similar to those listed in N.C. Gen. Stat. § 58-33-46(a).

ORDER

Based on the foregoing Findings of Facts and Conclusions of Law, it is ordered that Respondent's non-resident producer'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 and via first class U.S. mail to the licensee at the residential address provided to the Commissioner pursuant to N.C. Gen. Stat. § 58-2-69(b) and (d); and via State Courier to Attorney for Petitioner, addressed as follows:

Khonsavan Vongdara
339 Summer Spring Ct
Jacksonville, FL 32225
(Respondent)

Certified Mail Tracking #: 9589 0710 5270 0742 5898 53

Anne Goco Kirby
Assistant 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. Pierce, NCCP
Clerk of Court for Administrative Hearings
Paralegal III
N.C. Department of Insurance
General Counsel's Office
1201 Mail Service Center
Raleigh, NC 27699-1201