

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
VICTOR CHARLES
WASHINGTON
(NPN # 9036899)

Respondent.

ORDER AND
FINAL AGENCY DECISION

Docket Number: 2095

THIS MATTER was heard on Wednesday, August 9, 2023, 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. Assistant Attorney General Rebecca E. Lem represented the North Carolina Department of Insurance (hereinafter "Department"), Agent Services Division (hereinafter "Petitioner" or "ASD"). Respondent Victor Charles Washington (hereinafter, "Respondent") did not appear and was not represented by counsel.

Petitioner moved, pursuant to 11 NCAC 01.0423(A), for the imposition of sanctions due to Respondent's failure to appear at the hearing. Petitioner's motion for sanctions is GRANTED. The undersigned Hearing Officer found that the allegations and issues set out in the Notice of Administrative Hearing, attached Petition and other pleadings are hereby taken as true.

Nadine Scott, Compliance Section Supervisor with the Agent Services Division (ASD) of the North Carolina Department of Insurance, testified for the Petitioner. Petitioner introduced Exhibits 1, 2, 6, and 7 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) and Rule 4 of the North Carolina Rules of Civil Procedure. *See* Pet. Ex. 1 & 2.

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

3. Respondent is a resident of Florida. *See* Pet. Ex. 1.

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 9036899, with lines of authority in Life (first active on or about August 15, 2017) and Accident & Health or Sickness (first active on or about February 13, 2008). *See* Pet. Ex. 1.

5. On or about June 1, 2020, Respondent received an adverse administrative action in the form of a monetary penalty and license revocation from the Iowa Department of Insurance. *See* Pet. Ex. 1 & 6A.

6. Respondent failed to notify the North Carolina Commissioner of Insurance ("Commissioner") of the Iowa administrative action within thirty (30) days as required by N.C. Gen. Stat. § 58-33-32(k). *See* Pet. Ex. 1 & 6A.

7. On or about February 15, 2021, Respondent received an adverse administrative action in the form of a revocation from the California Department of Insurance. *See* Pet. Ex. 1 & 6A.

8. Respondent failed to notify the North Carolina Commissioner of Insurance ("Commissioner") of the California administrative action within thirty (30) days as required by N.C. Gen. Stat. § 58-33-32(k). *See* Pet. Ex. 1 & 6A.

9. On or about September 28, 2022, the Department issued a Notice of Administrative Hearing to Respondent concerning his failure to timely notify the Department of the Iowa and California administrative actions, scheduling a hearing in this matter for October 31, 2022. *See* Pet. Ex. 1 & 6A.

10. On or about October 27, 2022, prior to the scheduled hearing, Respondent entered into a Consent Order with the Department to resolve the allegations of the September 28, 2022 Notice of Administrative Hearing and attached

Petition. In the Consent Order, Respondent stipulated to the violations alleged in the Notice of Administrative Hearing and Petition related to his late reporting of the Iowa and California administrative actions. In the Consent Order, Respondent agreed to pay a monetary penalty of one-thousand dollars (\$1,000.00) to the Department by November 28, 2022. Respondent was provided with detailed instructions on how to return the monetary penalty to the Department, and was required by the language of the Consent Order to retain tracking information and a photocopy image of the monetary penalty payment method for his records. *See* Pet. Ex. 6A.

11. The October 27, 2022 Consent Order was successfully served on Respondent by certified U.S. Postal Service mail and by First Class U.S. Postal Service mail as evidenced by an Affidavit of Service for the Consent Order. *See* Pet. Ex. 6A & 6B.

12. Nadine Scott, Compliance Section Supervisor with the Agent Services Division (ASD) of the North Carolina Department of Insurance, testified that this matter was reassigned to her and was previously handled by a Complaint Analyst who had since left the Department. Ms. Scott testified that she had the opportunity to review the entire file prior to its reassignment to her, including reviewing the October 27, 2022 Consent Order. *See* Pet. Ex. 6A.

13. The Department never received the monetary penalty from Respondent. Respondent did not respond to follow-up emails sent to him in February and April 2023. Ms. Scott testified that the Respondent did not contact the Department at any point following service of the October 27, 2022 Consent Order upon him. *See* Pet. Ex. 6A, 6B, & 7.

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 pursuant to Rule 4 of the North Carolina Rules of Civil Procedure.

3. 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 or by another governmental agency in this State within thirty (30) days after the final disposition of the matter.

4. Pursuant to 11 NCAC 01.0423(a), as a sanction for Respondent not appearing at the hearing, the allegations and issues of the Notice of Hearing and

attached Petition are taken as true.

5. Pursuant to the October 27, 2022 Consent Order, Respondent stipulated that he violated N.C. Gen. Stat. § 58-33-32(k) by failing to notify the Commissioner of the Iowa and California administrative actions within thirty (30) days.

6. Respondent violated an Order of the Commissioner by failing to comply with the terms of the October 27, 2022 Consent Order by failing to pay the one-thousand dollar (\$1,000.00) monetary penalty to the Department.

7. N.C. Gen. Stat. § 58-33-46(a)(2) allows the Commissioner to suspend, revoke, or refuse to renew any license issued under this Article for violating any insurance law of this or any other state.

8. Respondent's license is subject to suspension or revocation under N.C. Gen. Stat. § 58-33-46(a)(2) for Respondent's violation of an Order of the Commissioner based on Respondent's failure to pay the monetary penalty as set forth in the October 27, 2022 Consent Order.


9. Respondent's license is subject to suspension or revocation under N.C. Gen. Stat. § 58-33-46(a)(2) for his failure to report the Iowa and California administrative actions to the Department in violation 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 non-resident licenses issued by the North Carolina Department of Insurance are hereby REVOKED effective as of the date of the signing of this order.

This the 15th day of September, 2023.


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. § 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: A. John Hoomani, 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 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:

Victor Charles Washington
321 NE 1st Ct.
Apt. 109
Hallandale Beach, FL. 33009-4354
(Respondent)


Certified Mail Tracking Number: 7020 0640 0000 3185 5162

Victor Charles Washington
5310 NW 33rd Ave.
STE 103
Ft. Lauderdale, FL 33009-6300
(Respondent)

Certified Mail Tracking Number: 7020 0640 0000 3185 5179

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

This the 19th day of September, 2023.


Kimberly W. Pearce, NCCP
Paralegal III
N.C. Department of Insurance
General Counsel's Office
1201 Mail Service Center
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