

NORTH CAROLINA DEPARTMENT OF INSURANCE
RALEIGH, NORTH CAROLINA

STATE OF NORTH CAROLINA)	BEFORE THE
COUNTY OF WAKE)	COMMISSIONER OF INSURANCE
)	
)	
IN THE MATTER OF:)	
)	
THE LICENSURE OF)	ORDER AND
JOSEPH WHITE)	<u>FINAL AGENCY DECISION</u>
(NPN #18752730))	
)	Docket No. 2202
)	
Respondent.)	
)	

THIS MATTER came on for hearing on July 25, 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 ("Commissioner") pursuant to North Carolina General Statutes §§ 58-2-185, 58-2-195(a) & (e), 58-2-200, 58-33-46(a)(2), 150B-38, 150B-40, 150B-41, 150B-42, 11 NCAC 1.0401, 11 NCAC 19.0102 and 11 NCAC 6A.04028(d)(2) et. seq., and other applicable statutes and rules.

Petitioner, the Agent Services Division of the North Carolina Department of Insurance ("Petitioner" or "ASD"), was represented by Assistant Attorney General Anne Goco Kirby. Respondent did not appear.

Petitioner's Exhibits 1-5 and 9-15 were admitted into evidence. Respondent did not present or offer any exhibits into evidence.

Petitioner presented testimony from Melody Hocutt of the Agent Services Division.

BASED UPON the allegations set forth in the Notice of Hearing, the Petition for Administrative Hearing, the Affidavit of Service, and the testimony of the witness at the hearing, the undersigned Hearing Officer hereby makes the following Findings of Fact and Conclusions of Law:

FINDINGS OF FACT

1. The North Carolina Department of Insurance ("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 insurance producers.

2. Pursuant to N.C. Gen. Stat. § 58-2-195(a) and 11 NCAC 6A.0402(d)(2), ASD e-mailed Respondent on June 15, 2023 requesting that he provide a written response explaining a regulatory action taken against him by Wisconsin and provide documentation of that action to NCDOI within 10 days.

3. Respondent failed to provide the requested response to ASD's June 15, 2023 request. Thus, ASD sent a follow-up email to Respondent on June 27, 2023 which requested that he provide his response to the June 15, 2023 request within 10 days. Respondent failed to provide ASD with the requested explanation and documentation.

On November 13, 2023, ASD sent an e-mail to Respondent which requested Respondent to provide a written explanation of a California administrative action that had been taken against him and documentation of that action to ASD within 10 days. Respondent failed to provide the requested written explanation and documentation of the California action to ASD.

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 with attached Petition for Hearing was properly served on Petitioner pursuant to Rule 4 of the North Carolina Rules of Civil Procedure.

3. The Notice of Administrative Hearing with attached Petition for Hearing gave Respondent notice of all the factual and legal allegations which ASD relies upon to support taking disciplinary action against his producer licensee pursuant to N.C. Gen. Stat. § 58-33-46(a)(2). This is the only legally required notice under Article 3A of Chapter 150B. See N.C. Gen. Stat. § 150B-38(b).

4. N.C. Gen. Stat. § 58-2-195(a) authorizes the Commissioner to make and promulgate rules governing the recording and reporting of insurance business transactions by insurance agencies, agents, brokers, and producers of record licensed in the State or transacting insurance business in this State to the end that such records and reports will accurately and separately reflect their insurance business transactions in this State. N.C. Gen. Stat. § 58-2-195(a) also provides that information from records required to be kept pursuant to the provisions of this section must be furnished to the Commissioner on demand.

5. 11 NCAC 6A.0402(d)(2) states that "Every licensee shall, upon demand from [ASD], furnish in writing any information relating to the licensee's insurance

business within 10 business days after the demand in accordance with G.S. 58-2-195(a)."

6. Respondent violated N.C. Gen. Stat. § 58-2-195(a) and 11 NCAC 6A.0402(d)(2) by failing to provide the requested responses to ASD's June 15, 27, and November 13, 2023 e-mail requests.

7. 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 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 FINRA."

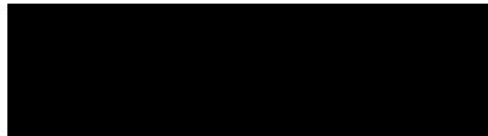
8. Respondent's Non-Resident Producer license should be suspended or revoked pursuant to N.C. Gen. Stat. § 58-33-46(a)(2) based upon his violations of N.C. Gen. Stat. § 58-2-195(a) and 11 NCAC 6A.0402(d)(2).

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

ORDER

It is ordered that Respondent's producer license issued by the North Carolina Department of Insurance be REVOKED effective as of the date of the signing of this Order.

This 10th day of January, 2025.

A large black rectangular redaction box covering the signature of Terence Friedman.

Terence Friedman
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 the 11 NCAC 1.0413 and N.C.G.S. § 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 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 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:

Joseph White
1000 NW 65th St., Suite 110
Fort Lauderdale, FL 33309-1113
(Respondent)

Certified Mail Tracking Number: 9589 0710 5270 0742 5898 84

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