

NORTH CAROLINA DEPARTMENT OF INSURANCE
RALEIGH, NORTH CAROLINA

STATE OF NORTH CAROLINA)	BEFORE THE
COUNTY OF WAKE)	COMMISSIONER OF INSURANCE
)	
)	
IN THE MATTER OF:)	ORDER AND
)	FINAL AGENCY DECISION
THE LICENSURE OF)	
AMIR ASKEW)	Docket Number: 2011
NPN #18943026)	
)	
Respondent.)	
)	

This matter was heard on Wednesday, February 10, 2021, 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, Agent Services Division (hereinafter “Petitioner” or “ASD”). Respondent Amir Askew (hereinafter, “Respondent”) did not appear.

Sherry Bumgarner testified for the Petitioner. Petitioner introduced Exhibits 1-9 into evidence.

Due to the Respondent’s failure to appear at the hearing, pursuant to 11 NCAC 01.0423(a)(1), the allegations of the Notice of Hearing and attached Petition for Administrative Hearing may be taken as true or deemed to be proved without further evidence.

Based on the allegations set forth in the Notice of Hearing 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 Rule 4 of the North Carolina Rules of Civil Procedure and N.C. Gen. Stat. § 58-2-69(d). The Notice of Administrative Hearing and attached Petition and the

Affidavit of Service were admitted into evidence as administrative exhibits, along with Petitioner's Motion to Continue and the Scheduling Order.

2. Respondent is a resident of Ohio.

3. 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 with lines of authority in Casualty and Property issued by the Department, National Producer Number 18943026. Respondent's license was issued on December 12, 2018.

4. Sherri Bumgarner, an Agency Examiner with the Agent Services Division (ASD) of the North Carolina Department of Insurance ("Department"), testified that this matter came to ASD's attention due to a "PIC Alert", whereby the Department receives an alert when a licensee has had an adverse regulatory action in another state. These regulatory actions are reflected on the "RIRS report", which showed that Respondent has received adverse regulatory actions against his insurance licenses on January 1, 2019 in Indiana and on March 26, 2019 in South Dakota.

5. Ms. Bumgarner sent requests for documentation and notices of informal conferences to Respondent concerning the regulatory actions on several occasions through email and USPS.

- a. Respondent never responded to the requests for documentation following the three requests sent to him via email on May 17, 2019, May 24, 2019, and June 4, 2019.
- b. Respondent failed to appear via telephone at an informal conference scheduled for October 17, 2017. ASD attempted to reach Respondent at his residential and work phone numbers of record, which he did not answer. Respondent did not thereafter contact ASD as was requested in the voicemail left for him by ASD.
- c. Ms. Bumgarner sent an email to Shirley Chin, an employee of Homesite on October 17, 2019, in an attempt to reach Respondent. Ms. Chin confirmed via email, copied to Respondent, that Respondent was employed at Homesite. Ms. Chin asked Respondent to contact Ms. Bumgarner.
- d. On October 24, 2019, Respondent called Ms. Bumgarner and confirmed that he had the correct phone number for

him and that he had received Ms. Bumgarner's emails. Respondent told Ms. Bumgarner he would send her the South Dakota and Indiana administrative actions. He never did so.

- e. ASD sent a second informal conference notice to Respondent via email on November 22, 2019, scheduling another informal conference for January 8, 2020. Again, Respondent failed to appear by telephone at the second informal conference, and did not contact ASD at any later date.
- f. On January 13, 2020, ASD notified Respondent by letter sent USPS that the matter was being referred for hearing. Respondent did not thereafter contact ASD.

6. As part of the regular course of business, Ms. Bumgarner requested and received copies of the South Dakota and Indiana administrative actions taken against Respondent's insurance licenses by the Departments of Insurance. These copies of the administrative actions were admitted into evidence. These administrative actions reflect the following:

- a. On or about January 11, 2019, the Indiana Department of Insurance denied Respondent's insurance license application due to Respondent's prior felony conviction.
- b. On or about March 26, 2019, the South Dakota Department of Labor and Regulation denied Respondent's insurance license application for failure to disclose a misdemeanor conviction on his license application and for failure to provide requested documentation concerning that conviction.

7. Respondent did not respond the Indiana or South Dakota administrative actions to the Department within 30 days as required by N.C. Gen. Stat. § 58-33-32(k). Respondent never reported these administrative actions to the Department.

8. Petitioner requested that Respondent's license be revoked pursuant to N.C. Gen. Stat. §§ 58-33-32(k) and 58-33-46(a)(2), noting that Respondent has shown no interest in responding to the Department or maintaining his North Carolina insurance licenses.

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 Rule 4 of the North Carolina Rules of Civil Procedure and N.C. Gen. Stat. § 58-2-69(d).

3. Pursuant to 11 NCAC 01.0423(a)(1), as sanction for Petitioner's failure to appear at the hearing, the allegations of the Notice of Hearing and attached Petition may be taken as true or deemed to be proved without further evidence.

4. The evidence presented at the hearing supports the allegations of the Notice of Hearing and Petition.

5. Respondent's failures to report the administrative actions against his insurance licenses in Indiana and South Dakota to the Department within thirty (30) days of the effective dates of those actions are violations of N.C. Gen. Stat. § 58-33-32(k).


6. 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. Respondent's licenses are subject to suspension or revocation under N.C. Gen. Stat. § 58-33-46(a)(2) for failing to report the Indiana and South Dakota administrative actions to the Department in violation of N.C. Gen. Stat. § 58-33-32(k).

Based on the foregoing Finding of Facts and Conclusions of Law, the Hearing Officer enters the following:

ORDER

It is ordered that Respondent's 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 19th day of February, 2021.


A. John Hoomani
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; 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); to an additional address known for Respondent; and via State Courier to Attorney for Petitioner, addressed as follows:

AMIR ASKEW
260 LILAC PLACE
BARBERTON, OH 44203
(Respondent)


Certified Mail Tracking #: 70200640000031855735

AMIR ASKEW
388 S MAIN ST
AKRON, OH 44311
(Respondent)

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

This the 19th day of February, 2021.


Mary Faulkner
Paralegal
N.C. Department of Insurance
1201 Mail Service Center
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