

STATE OF NORTH CAROLINA  
COUNTY OF WAKE

BEFORE THE  
COMMISSIONER OF INSURANCE

IN THE MATTER OF: )

THE LICENSURE OF )  
HEATH S. BOWEN )  
(NPN #8057774) )

Respondent. )

ORDER AND  
FINAL AGENCY DECISION

Docket Number: 2055

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THIS MATTER was heard on July 21, 2021, by the undersigned Hearing Officer, as designated by the North Carolina Commissioner of Insurance ("Commissioner") 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 James R. Baker represented the North Carolina Department of Insurance, Agent Services Division (hereinafter "Petitioner" or "ASD"). Respondent Heath Bowen (hereinafter "Respondent") did not appear.

Tommy Walls, Senior Complaint Analyst for ASD, testified for the Petitioner at the hearing. ASD offered into evidence Petitioner's Exhibits 1 through 7, which were admitted into evidence.

Based on the allegations set forth in the Notice of Hearing, the Petition for Administrative Hearing, the testimony of Tommy Walls and documentary exhibits at the hearing, the undersigned Hearing Officer hereby makes the following Findings of Fact and Conclusions of Law:

#### FINDINGS OF FACT

1. Respondent has a Non-Resident Producer License with lines of authority for Life, Accident & Health or Sickness, and Variable Life & Variable Annuity issued by the Department.

2. An Ohio Department of Insurance regulatory action was taken against Respondent, revoking Respondent's license as an insurance agent in the State of Ohio, effective as of March 4, 2020 (the "Ohio Action").

3. A FINRA action was taken against Respondent for violation of FINRA by failure to comply with an arbitration award or settlement agreement or to satisfactorily respond to a FINRA request to provide information concerning the status of compliance, effective as of April 16, 2019.

4. A FINRA action was taken against Respondent for violation of FINRA by failure to comply with an arbitration award or settlement agreement or to satisfactorily respond to a FINRA request to provide information concerning the status of compliance, effective as of July 10, 2018.

5. Respondent failed to report the Ohio Action within 30 days as required by N.C. Gen. Stat. § 58-33-32(k).

6. Respondent failed to report the April 16, 2019 FINRA action within 30 days as required by N.C. Gen. Stat. § 58-33-32(k).

7. Respondent failed to report the July 10, 2018 FINRA action within 30 days as required by N.C. Gen. Stat. § 58-33-32(k).

### 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 Notice of Administrative Hearing in this matter.

3. N.C. Gen. Stat. § 58-33-46(a)(2) states that the Commissioner may place on probation, suspend, revoke or refuse to renew a license if a licensee has violated any insurance law of this or any other state, violated any rule of FINRA, violated any administrative rule subpoena, or order of the Commissioner or of another state's insurance regulator.

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 or by another governmental agency in this State within thirty (30) days after the final disposition of the matter, including enforcement action taken against a producer by FINRA.

5. Disciplinary action should be taken against Respondent's license pursuant to N.C. Gen. Stat. § 58-33-46(a)(2) for violating N.C. Gen. Stat. § 58-33-32(k) by failing to report the Ohio Action and FINRA actions within 30 days after final disposition.

6. Respondent's Non-Resident Producer License should be revoked pursuant to N.C. Gen. Stat. § 58-33-46(a)(2) for violating N.C. Gen. Stat. § 58-33-32(k).

**ORDER**

Based upon the foregoing Findings of Fact and Conclusions of Law, it is ORDERED that Respondent's North Carolina Non-Resident Producer License be REVOKED, effective as of the date of this Order.

This 22<sup>nd</sup> day of July, 2021.



Meghan Cook  
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: 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); and via State Courier to Attorney for Petitioner, addressed as follows:

**BOWEN GROUP**  
**591 Park Avenue, Suite 303**  
**Idaho Falls, ID 83402-3573**  
*(Respondent)*

**Certified Mail Tracking #: 70200640000031856411**

**Heath S. Bowen**  
**117 Stillwater Dr.**  
**Idaho Falls, ID 83404-8296**  
*(Respondent)*

**Certified Mail Tracking #: 70200640000031856428**

James R. Baker  
Assistant Attorney General  
N.C. Department of Justice  
Insurance Section  
9001 Mail Service Center  
Raleigh, NC 27699-9001  
*(Attorney for Petitioner)*

This the 22<sup>nd</sup> day of July, 2021.

  
Mary Faulkner  
Paralegal  
N.C. Department of Insurance  
1201 Mail Service Center  
Raleigh, NC 27699-1201