

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
CHRISTOPHER BRUCE
NPN # 10182529

Respondent.

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)
) ORDER AND
) FINAL AGENCY DECISION

) Docket Number: 2018
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This matter was heard on Thursday, January 28, 2021, by the undersigned Hearing Officer, as designated by the Commissioner of Insurance pursuant to North Carolina General Statutes §§ 58-2-70, 58-33-32, 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 North Carolina Department of Insurance [“the Department”], was represented by Assistant Attorney General Anne Goco Kirby. Respondent Christopher Bruce (hereinafter, “Respondent”) did not appear. The administrative hearing was held in the Albemarle Building, located at 325 North Salisbury Street, Raleigh, Wake County, North Carolina.

Jeffrey Miller, a Complaint Analyst with the Department’s Agent Services Division, appeared and testified for the Department.

Based on the allegations set forth in the Notice of Hearing, the attached Petition and Affidavit of Service in this matter, the testimony of Jeffrey Miller, and the 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 Notice of Administrative Hearing and attached Exhibit A (Petition for Administrative Hearing) was properly served on Petitioner by mailing it via federal express, direct signature required, by first class mail to the Respondent at the residential address of record which Respondent has had on file pursuant to N.C. Gen. Stat. § 58-2-69(d).

2. The Department has the authority and responsibility for the enforcement of insurance laws. Respondent held a Non-Resident Producer License. Respondent's National Producer License Number (NPN) is 10182529.

3. Effective December 17, 2019, the California Department of Insurance entered an order revoking Respondent's non-resident producer licenses for numerous grounds, including Respondent's being barred by FINRA from having any association with any member in any capacity, failing to respond to the Department, failing to disclose the FINRA action on his application for property-broker and casualty broker-agent licenses, because it would be against the public interest for Respondent to continue practicing insurance in California, lacking requisite integrity to hold insurance licenses, and having knowingly or willfully made a misstatement on his license application.

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

5. Respondent failed to notify the Commissioner of the administrative action taken by California within thirty (30) days of final disposition of that action, as required by N.C. Gen. Stat. § 58-33-32(k).

6. By e-mail to Respondent dated January 7, 2020, Jeffrey Miller, a complaint analyst with the Agent Services Division of the North Carolina Department of Insurance ["the Department"], informed Respondent that the Department had received information about the California action and requested that Respondent provide the Department with a written response and any documentation regarding the California action within 10 days of receipt of the e-mail.

7. Respondent did not provide the requested documentation in response to the Department's January 7, 2020 e-mail. Instead, Respondent informed the Department by e-mail on February 10, 2020 that he would like to surrender his license. By reply e-mail to Respondent on February 18, 2020 and again on February 21, 2020, Mr. Miller informed Respondent that the Department would accept his surrender of his license but would require that the surrender be for a period of two years due to the unreported California administrative action. Mr. Miller attached a copy of the Department's Regulatory Action Procedures and the Surrender Form and requested that Respondent return the form by March 6, 2020.

8. Respondent never returned the surrender form to the Department. The Department then scheduled an informal conference with the Respondent for April 20, 2020 in order to discuss his violation of N.C. Gen. Stat. § 58-33-32(k) by failing to

report the California action. The Department notified Respondent of the informal conference by e-mail on March 18, 2020. Respondent participated in the conference on April 20, 2020. The Department offered to resolve the matter with the Respondent for a Voluntary Settlement Agreement and an administrative penalty. On April 20, 2020, Mr. Miller e-mailed the terms of the Department's offer to the Respondent and requested that he notify the Department whether he would accept the offer on or before May 4, 2020.

9. On May 4, 2020, Respondent e-mailed Mr. Miller to inform him that he would accept the Voluntary Settlement Agreement. By e-mail to Respondent on May 6, 2020, Mr. Miller e-mailed the Voluntary Settlement Agreement for the Respondent and requested that Respondent return to the executed agreement and penalty to the Department on or before June 15, 2020. On June 15, 2020, Respondent e-mailed Mr. Miller to request additional time until July 1, 2020 to return the agreement and penalty. Mr. Miller granted the request, but Respondent failed to return the agreement and penalty by July 1, 2020. On July 6, 2020, Mr. Miller e-mailed Respondent to check on the status of the agreement and penalty. Respondent never replied to Mr. Miller's e-mail and never returned the agreement and penalty.

10. The Petitioner requested that Respondent's license be revoked pursuant to N.C. Gen. Stat. §§ 58-33-32(k) and 58-33-46(a)(2).

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 Respondent.

3. Respondent failed to report the California administrative action against his insurance license within thirty (30) days of the effective date of that action in violation of N.C.G.S. § 58-33-32(k).

4. N.C.G.S. § 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 license is subject to suspension or revocation under N.C.G.S. § 58-33-46(a)(2) for failing to report the California administrative action to the Department in violation of N.C.G.S. § 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 11th 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 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:

Christopher Bruce
6346 Silverbrook W
West Bloomfield, MI 48322-1031
(Respondent)

Certified Mail Tracking #: 70200640000031855711

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 14th day of February, 2021.



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