

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
LAUREL J. CRUZ

ORDER AND FINAL AGENCY
DECISION

Docket Number: 1908

THIS MATTER was heard on September 27, 2018 by the undersigned Hearing Officer, designated by the North Carolina Commissioner of Insurance ("Commissioner") pursuant to N.C. Gen. Stat. § 58-2-55.

A Notice of Administrative Hearing advising Respondent Laurel J. Cruz ("Respondent") of the time, date and place of the hearing was duly issued and served on Respondent at the addresses on record with Petitioner Agent Services Division ("ASD") of the North Carolina Department of Insurance ("NCDOI"). The Notice of Administrative Hearing sent via first class U.S. Mail was not returned.

Respondent, proceeding *pro se*, failed to appear at the hearing.

ASD was present at the hearing and was represented by Heather H. Freeman. ASD employee Joe Wall testified at the hearing.

ASD offered into evidence Exhibits 1 through 12, which were admitted into evidence.

After careful consideration of the evidence and arguments presented, and based on the record as a whole, the Hearing Officer hereby makes the following:

FINDINGS OF FACT

1. 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. Respondent has a non-resident North Carolina insurance producer's license with lines of authority for Accident and Health or Sickness ("License").
3. Effective April 23, 2014, the Wisconsin Office of the Commissioner denied Respondent's application for a producer's license for failure to provide information or for incomplete

- application. ("April 23, 2014 Wisconsin Action")
4. Respondent did not report the April 23, 2014 Wisconsin Action to the Commissioner within thirty (30) days.
 5. Effective October 26, 2016, the South Dakota Department of Labor and Regulation, Division of Insurance, denied Respondent's application for a producer's license for failure to make a required disclosure on the application with respect to other state action. ("October 26, 2016 South Dakota Action")
 6. Respondent did not report the October 26, 2016 South Dakota Action to the Commissioner within thirty (30) days.
 7. Effective March 20, 2017, Respondent was involved in an administrative action proceeding before the Louisiana Department of Insurance resulting in a monetary penalty of \$125.00 for failure to report other state action. ("March 20, 2017 Louisiana Action")
 8. Respondent did not report the March 20, 2017 Louisiana Action to the Commissioner within thirty (30) days.
 9. Effective August 11, 2017, Respondent was involved in an administrative action proceeding before the Louisiana Department of Insurance resulting in suspension of her license for failure to pay a fine. ("August 11, 2017 Louisiana Action")
 10. Respondent did not report the August 11, 2017 Louisiana Action to the Commissioner within thirty (30) days.

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. § 58-33-32(k) requires an insurance producer to report to the Commissioner "any administrative action" taken against the producer in another state "within 30 days after the final disposition of the matter," including by sending a "copy of the order or consent order and any other information filed in the proceeding necessary to describe the action." The Wisconsin, South Dakota, and Louisiana Actions are administrative actions taken against Respondent within the meaning of N.C. Gen. Stat. § 58-33-32(k).
4. Pursuant to N. C. Gen. Stat. § 58-33-46(a)(2), one of the causes for which the Commissioner may revoke a license is for violating the insurance laws of North Carolina.

By failing to report the Wisconsin, South Dakota, and Louisiana Actions to the Commissioner within 30 days of their final disposition, Respondent violated N.C. Gen. Stat. § 58-33-32(k), which is a North Carolina insurance law within the meaning of N. C. Gen. Stat. § 58-33-46(a)(2). Consequently, the Hearing Officer finds that Respondent's License should be revoked under N. C. Gen. Stat. § 58-33-46(a)(2).

ORDER

Based upon the foregoing Findings of Fact and Conclusions of Law, it is ORDERED that Respondent's License be revoked.

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.

This 28th day of September, 2018.



Meghan Cook
Hearing Officer
N.C. Department of Insurance
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); via State Courier, and electronic mail addressed as follows:

Laurel J. Cruz
2423 24th Lane
Greenacres, FL 33463

Certified Mail Receipt Number: 70170530000073199323


Laurel J. Cruz
2410 NW 14th Ave
Boynton Beach, FL 33436

Certified Mail Receipt Number: 70170530000073199309

Laurel J. Cruz
lacruz9751@gmail.com

Heather H. Freeman
Assistant Attorney General
N.C. State Bar Number 28272
N. C. Department of Justice
P.O. Box 629
Raleigh, NC 27602-0629

This 28th day of September, 2018.


Mary Faulkner
Paralegal
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General Counsel's Office
1201 Mail Service Center
Raleigh, NC 27699-1201