

NORTH CAROLINA DEPARTMENT OF INSURANCE
RALEIGH, NORTH CAROLINA

STATE OF NORTH CAROLINA) COUNTY OF WAKE))) IN THE MATTER OF:)) THE LICENSURE OF) STEVEN LEE DEWITT) NPN #126784)) Respondent.)))	BEFORE THE COMMISSIONER OF INSURANCE ORDER AND FINAL AGENCY DECISION Docket Number: 2030
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This matter was heard on Wednesday, March 24, 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 Steven Lee Dewitt (hereinafter, “Respondent”) did not appear.

Jeffrey Miller testified for the Petitioner. Petitioner introduced Exhibits 1-8 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. The Notice of Administrative Hearing and attached Petition and the Affidavit of Service were admitted into evidence as administrative exhibits.

2. Respondent is a resident of Arizona.

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 Accident & Health or Sickness and Life issued by the Department, National Producer Number 126784. Respondent's license was issued on December 27, 2019.

4. Jeffrey Miller, 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 action against his insurance licenses effective April 15, 2020 in Arizona.

5. Mr. Miller testified that upon assignment of this matter, Mr. Miller checked the Department's records and the NIPR Attachment Warehouse to see if Respondent had reported the Arizona administrative action within thirty (30) days as required by statute, and that Respondent had not reported the Arizona regulatory action.

6. Mr. Miller sent requests for documentation and notices of informal conferences to Respondent concerning the regulatory actions on several occasions.

- a. Respondent did not respond to the request for documentation sent to him via email on August 14, 2020.
- b. Respondent sent a reply email to the request for documentation sent to him via email on September 1, 2020. Respondent's reply stated that he had quit the insurance business. Respondent was thereafter informed by Mr. Miller that Respondent's license would remain active unless he completed the Department's license surrender form or unless Respondent was no longer licensed in his home state. Mr. Miller emailed Respondent the Department's license surrender form, however Respondent did not return the form.
- c. Mr. Miller sent an informal conference notice to Respondent via email on October 29, 2020, informing him of an informal conference by telephone conference on

December 1, 2020.

- d. Respondent sent an email to Mr. Miller on October 30, 2020, stating, “Go ahead and revoke [sic] i [sic] don’t sell ins any moree [sic]”. Mr. Miller responded to him stating that he would need to complete a license surrender form if he wished to surrender his license. Respondent replied, “Can’t do it – i [sic] am in a position of nothing like that [sic] Surrender my license, i [sic] have”. Respondent did not thereafter return the Department’s license surrender form.
- e. Respondent did not participate in the informal conference on December 1, 2020, and did not call the Agent Services Division back as requested in a voicemail message left for Respondent on that date.
- f. On December 14, 2020, Mr. Miller sent Respondent a second informal conference notice via email setting a second attempt at an informal conference by phone for December 29, 2020. Respondent sent a reply email to Mr. Miller stating, “yes i [sic] surrender my license”, but he did not return the Department’s license surrender form. Respondent did not participate in the informal conference on December 29, 2020.

7. As part of the regular course of business, Mr. Miller requested and received copies of the Arizona administrative action taken against Respondent’s insurance license by the Arizona Department of Insurance. The copy of the administrative action, which is a Consent Order related to Respondent’s prior criminal record, was admitted into evidence.

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 clearly indicated that he does not wish to retain his North Carolina insurance license.

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

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 action against his insurance license in Arizona to the Department within thirty (30) days of the effective date of that action is a violation 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 Arizona administrative action to the Department in violation of N.C. Gen. Stat. § 58-33-32(k).

7. Respondent has clearly indicated that he no longer wishes to retain his North Carolina insurance license, but Respondent did not take the steps necessary to surrender his license.

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

ORDER

It is ordered that Respondent's license issued by the North Carolina Department of Insurance are hereby REVOKED effective as of the date of the signing of this order.

This the 9th day of April, 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:

Steven Lee Dewitt
13310 N. Plaza Del Rio Blvd.
Apt. 1115
Peoria, AZ. 85381

Certified Mail Tracking #: 70200640000031856732

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

This the 9th day of April, 2021.



Mary Faulkner
Paralegal
N.C. Department of Insurance
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