

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)
ANDRE DIXON)
(NPN # 19101138))

Respondent.)

ORDER AND
FINAL AGENCY DECISION

Docket Number: 2114

THIS MATTER came on for hearing on Tuesday, March 14, 2023, in Hearing Room #131 of the Albemarle Building, located at 325 North Salisbury Street, Raleigh, North Carolina before the undersigned Hearing Officer, as designated by the North Carolina Commissioner of Insurance pursuant to N.C. Gen. Stat. § 58-2-55.

Petitioner, the Agent Services Division of the North Carolina Department of Insurance ("Petitioner" or "Agent Services"), was represented by Assistant Attorney General Anne Goco Kirby. Respondent Andre Dixon (hereinafter, "Respondent") did not appear and was not represented by counsel at the hearing.

Petitioner's Exhibits 1-12 were admitted into evidence.

Carisa Ransome, Complaint Analyst for the Department's Agent Services Division, appeared and testified on behalf of Agent Services.

BASED UPON the careful consideration of the evidence and arguments presented at the hearing, and based on upon the entire record in this proceeding, the undersigned Hearing Officer hereby makes the following Findings of Fact and Conclusions of Law:

FINDINGS OF FACT

1. The North Carolina Department of Insurance ("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 currently holds an active non-resident producer's license with lines of authority in Life, Accident & Health or Sickness, and Med Supp/Long Term Care ("License"). Respondent's License was first issued on August 13, 2020. Respondent's National Producer License Number (NPN) is 19101138. *See Pet'r's Ex. 3.*

3. Service of the Notice of Administrative Hearing proving Respondent with due notice was deemed perfected by first class U.S. Mail to the residential address provided by the Respondent by operation of N.C. Gen. Stat. § 58-2-69(e), as shown by the Affidavit of Service admitted into evidence at the hearing. *See Pet'r's Ex. 2.*

4. Carisa Ransome is a Licensing and Complaint Analyst for the Department's Agent Services Division.

5. In or around December 2021, Agent Services become aware, via a report on the Regulatory Information Retrieval System ("RIRS"), which is an automatic notification system through the National Association of Insurance Commissioners ("NAIC"), that Respondent had received an adverse administrative action in Florida. *See Pet'r's Ex. 4*

6. The RIRS report revealed that, effective December 8, 2021, the Florida Department of Financial Services denied Respondent's insurance license application citing criminal record/history as the reason for the action. *See Pet'r's Ex. 4.*

7. Effective December 8, 2021, the Florida Department of Financial Services issued a Notice of Denial which denied Respondent's application for licensure as a non-resident health agent due in part to Respondent's having made a "[m]aterial misstatement, misrepresentation, or fraud in obtaining the license or appointment or in attempting to obtain the license or appointment" in violation of Section 626.611(b) of the Florida Statutes. *See Pet'r's Ex. 5.*

8. Florida's Notice of Denial indicated in the factual basis that, "on July 27, 2011, Respondent was found guilty in the Circuit Court In and For Wayne County, Michigan, Case Number 11-005136-01 of Weapons Carrying Concealed Attempt, a Felony. Respondent was adjudicated guilty and sentenced to eighteen (18) months of probation and the completion of the Alternative Work Force Program in lieu of court costs and attorney's fees." *See Pet'r's Ex. 5.*

9. Respondent failed to report the administrative action taken by the Florida Department of Financial Services to Agent Services within 30 days after final disposition of such administrative action.

10. On August 14, 2020, Respondent falsely answered "No" to background question #1b which asks "Have you ever been convicted of a felony, or had a judgment

withheld or deferred, or are you currently charged with a felony?” on his original NC license application. Additionally, on Respondent’s application for an additional line of authority in North Carolina submitted on September 29, 2021. *See* Pet’s Ex. 9.

11. Carisa Ransome testified that on June 23, 2022, a document entitled “copy of expungement order” was uploaded to the National Insurance Producer Registry’s (NIPR) attachment warehouse. This document indicated that Respondent’s May 24, 2011, felony conviction of carrying concealed weapon attempt was set aside on June 7, 2022. While this did not change Respondent’s previous failure to disclose the conviction to the Department on the prior applications, such information was noted. *See* Pet’s Exs. 6 and 8.

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. Respondent was properly serviced with the Notice of Hearing and the Department in this matter.

3. N.C. Gen. Stat. § 58-33-46(a)(1) provides that the Commissioner may place on probation, suspend, revoke, or refuse to renew any license issued under Article 33 of Chapter 58 of the General Statutes of North Carolina for providing materially incorrect, misleading, incomplete, or materially untrue information in the license application.

4. N.C. Gen. Stat. § 58-33-46(a)(3) provides that the Commissioner may place on probation, suspend, revoke, or refuse to renew any license issued under Article 33 of Chapter 58 of the General Statutes of North Carolina for obtaining or attempting to obtain a license through misrepresentation or fraud.

5. Respondent obtained his non-resident producer license through misrepresentation and with materially incorrect information in that he falsely stated he had not ever been convicted of a felony on his original application for a non-resident producer license dated August 14, 2020, and on his application for an additional line of authority submitted on September 29, 2021.

6. 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 within 30 days after the final disposition of the matter. The report “shall include a copy of the order or consent order and other information or documents filed in the

proceeding necessary to describe the actions.”

7. Respondent violated N.C. Gen. Stat. § 58-33-32(k) by his failure to report the administrative action taken by the Florida Department of Financial Services within thirty days after final disposition of such administrative action and violated the insurance law of Florida.

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

9. Respondent’s failure to timely report the Florida administrative action within thirty days of final disposition violated a North Carolina insurance law within the meaning of N.C. Gen. Stat. § 58-33-46(a)(2).

10. Based on the evidence received and the applicable law, the undersigned Hearing Officer concludes that Respondent’s North Carolina non-resident insurance producer’s license should be revoked pursuant to N.C. Gen. Stat. §§ 58-33-46(a)(1),(2) and (3).

ORDER

BASED UPON the foregoing Findings of Facts and Conclusions of Law, it is ORDERED that Respondent’s non-resident North Carolina Insurance Producer’s license is hereby REVOKED effective as of the date of the signing of this order.

This the 21th day of April, 2023.



Alisha Benjamin, 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 residential address provided to the Commissioner pursuant to N.C. Gen. Stat. § 58-2-69(b) and (d); and via State Courier to Attorney for Petitioner, addressed as follows:

Andre Dixon
534 Radcliffe Rd.
Lexington, KY 40505
(Respondent)

Certified Mail Tracking Number: 70222410000096625154

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 2nd day of May, 2023.


Mary Faulkner
Paralegal III
N.C. Department of Insurance
General Counsel's Office
1201 Mail Service Center
Raleigh, NC 27699-1201