

**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  
JEREMY T. ERNEST**

**ORDER AND  
FINAL AGENCY DECISION**

**Docket Number: 1870**

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**THIS MATTER** was heard on September 27, 2017 by the undersigned Hearing Officer, designated by the North Carolina Commissioner of Insurance (“Commissioner”) under N.C. Gen. Stat. § 58-2-55, pursuant to a Notice of Administrative Hearing (“NOAH”) that was duly issued and served on Respondent Jeremy T. Ernest.

Respondent Jeremy T. Ernest (hereinafter “the Respondent”), failed to appear after being duly served with the notice of hearing.

Petitioner Agent Services Division (“ASD”) of the North Carolina Department of Insurance (“NCDOI”) was present at the hearing and was represented by Terence D. Friedman, Assistant Attorney General. NCDOI employee Joseph Wall testified at the hearing.

ASD offered into evidence Petitioner’s Exhibits 1 through 8, which were admitted into evidence.

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

## 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 adjusters.

2. Respondent holds an active license as a non-resident insurance producer.

3. Pursuant to N.C. Gen. Stat. § 58-2-69, Respondent has listed with the NCDOI a residence address in Virginia.

4. On August 25, 2017, the Commissioner served a copy of the August 25, 2017 NOAH on Respondent at the residential address he has listed with the NCDOI. The NOAH was served via First Class U.S. Mail and First-Class U.S. Registered Mail, receipt requested. The copy of the NOAH served on Respondent via First Class U.S. Mail was not returned.

5. N.C. Gen. Stat. § 58-2-69(c) provides:

If a licensee is convicted in any court of competent jurisdiction for any crime or offense other than a motor vehicle infraction, the licensee shall notify the Commissioner in writing of the conviction within 10 days after the date of the conviction. As used in this subsection, 'conviction' includes an adjudication of guilt, a plea of guilty, or a plea of nolo contendere.

6. On October 27, 2016, Respondent pleaded guilty to a charge of misdemeanor assault in the Stafford County Circuit Court of Virginia ("Virginia Conviction"). Respondent did not advise the Commissioner of the Virginia Conviction.

7. N.C. Gen. Stat. § 58-33-32(k) provides:

A producer shall report to the Commissioner any administrative action taken against the producer in another state or by another governmental agency in this State within 30 days after the final disposition of the matter. As used in this subsection, 'administrative action' includes enforcement action taken against the producer by the FINRA. 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.

8. On October 19, 2016, the Georgia Commissioner of Insurance issued an order suspending Respondent's insurance producer's license in that state ("Georgia Action") for failing to provide documentation regarding the Virginia Conviction. Respondent did not advise the Commissioner of the Georgia Action.

9. On May 3, 2017, the Louisiana Department of Insurance revoked Respondent's insurance producer's license in that state ("Louisiana Action") for failing to report the Georgia Action. Respondent did not advise the Commissioner of the Louisiana Action.

### **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 NOAH in this matter.

3. N.C. Gen. Stat. § 58-33-46(a)(2) permits the Commissioner to revoke an insurance producer's license for "[v]iolating any insurance law of this or any other state, violating any administrative rule, subpoena, or order of the Commissioner or of another state's insurance regulator, or violating any rule of the FINRA."

4. Respondent violated N.C. Gen. Stat. § 58-2-69(c) – an insurance law of this state – by failing to report the Virginia Conviction to the Commissioner.

5. Respondent violated N.C. Gen. Stat. § 58-33-32(k) – an insurance law of this state – by failing to report the Georgia and Louisiana Actions to the Commissioner.

### **ORDER**

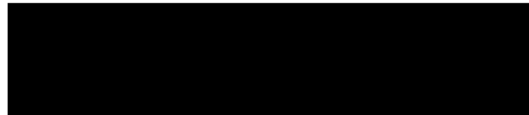
Based upon the foregoing Findings of Fact and Conclusions of Law, it is ORDERED that Respondent's non-resident insurance producer's license be revoked.

### **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 01 .0413 and N.C. Gen. Stat. § 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 3<sup>th</sup> day of November 2017.



A. John Hoomani, Hearing Officer  
N.C. Department of Insurance

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that I have this day served a copy of 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, addressed as follows:

Terence D. Friedman  
Assistant Attorney General  
N.C. Department of Justice – Insurance Section  
P.O. Box 629  
Raleigh, NC 27602

Attorney for Petitioner

Jeremy T. Ernest  
112 Mews Ct.  
Stafford VA 22556-3888  
Certified Mail Number: 70170530000073198029

Respondent

This the 13<sup>th</sup> day of November 2017.



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