

NORTH CAROLINA DEPARTMENT OF INSURANCE  
RALEIGH, NORTH CAROLINA

STATE OF NORTH CAROLINA ) COUNTY OF WAKE ) ) ) IN THE MATTER OF: ) ) THE LICENSURE OF ) ANN FILS ) NPN #10354527 ) ) Respondent. ) )	)	BEFORE THE COMMISSIONER OF INSURANCE  ORDER AND FINAL AGENCY DECISION  Docket Number: 2002
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This matter was heard on Thursday, October 8, 2020, by the undersigned Hearing Officer, as designated by the Commissioner of Insurance pursuant to North Carolina General Statutes §§ 58-2-70, 58-2-162, 58-2-185, 58-33-30, 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 Ann Fils (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. Assistant Attorney General Anne Goco Kirby represented the North Carolina Department of Insurance, Agent Services Division (hereinafter “Petitioner” or “ASD”).

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. N.C. Gen. Stat. § 58-2-69(b) requires, in pertinent part, that all licensees inform the Commissioner of the applicant’s residential address and e-mail address and to give written notification to the Commissioner of any change of the licensee’s residential or e-mail address within 10 business days after the licensee moves into the licensee’s new residence or obtains a different e-mail address.

2. N.C. Gen. Stat. § 58-2-69(d) provides that “[n]otwithstanding any other provision of law, whenever the Commissioner is authorized or required to give any notice under this Chapter to a licensee, the notice may be given personally or by sending the notice by first-class mail to the licensee at the address that the licensee has provided to the Commissioner under subsection (b) of this subsection.”

3. The Notice of Administrative Hearing and attached Exhibit A (Petition for Administrative Hearing) was properly served on Petitioner by mailing it 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).

4. Respondent is a resident of the State of Florida.

5. The Department has the authority and responsibility for the enforcement of insurance laws. Respondent holds a Non-Resident Medicare Supplement Long-Term Care, Accident & Health or Sickness and Life agent’s License. Respondent’s National Producer License Number (NPN) is 10354527.

6. On January 7, 2019, the Maine Bureau of Insurance entered an order revoking Respondent’s non-resident insurance producer license (effective February 11, 2019) pursuant to: (a) 24-A M.R.S. § 1420-K(1)(H) for using fraudulent, coercive or dishonest practices, or demonstrating incompetence, untrustworthiness or financial irresponsibility in the conduct of business in Maine and (b) 24-A M.R.S. § 1420-K(1)(B) for failing to report her changes of address to the Bureau within 30 days as required by 24-A M.R.S. § 1419 and for failing to respond to the Bureau’s written inquiry within 14 days as required by 24-A M.R.S. § 220.

7. On December 23, 2019, the California Department of Insurance entered an order revoking Respondent’s non-resident insurance producer license for failing to report the Maine Bureau of Insurance’s administrative action.

8. On February 10, 2020, the Delaware Department of Insurance entered a Consent Order revoking Respondent’s license and imposing a \$500 penalty against Respondent for failing to report the Maine Bureau of Insurance’s administrative action.

9. 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.”

10. Respondent failed to notify the Commissioner of the administrative actions taken by Maine, California, and Delaware within thirty (30) days of final disposition of each State's action, as required by N.C. Gen. Stat. § 58-33-32(k).

11. By e-mail to Respondent dated July 24, 2019, 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 Maine action and requested that Respondent provide the Department with a written response and any documentation regarding the Maine action within 10 days of receipt of the e-mail.

12. Respondent did not provide any response to the Department's July 24, 2019 e-mail. By letter to Respondent dated August 13, 2019, Mr. Miller reiterated the Department's prior July 24, 2019 request. Respondent did not provide any response to the Department's follow up request letter.

13. The Department scheduled an informal conference with the Respondent for October 16, 2019 in order to discuss her violation of N.C. Gen. Stat. § 58-33-32(k) by failing to report the Maine action. The Department notified Respondent of the informal conference by letter dated September 11, 2019. Respondent participated in the conference on October 16, 2019. Respondent told the Department that she was unaware of her obligation to report administrative action and that she was not using her license. The Department offered to accept a voluntary surrender of Respondent's licenses for a period of two years or to enter into a Voluntary Settlement Agreement providing for payment of a \$250 fine in order to resolve the allegation with the Department. Following the conference on October 16, 2019, the Department sent Respondent an e-mail to Respondent which summarized the offer made during the conference. Respondent did not accept or reject the Department's offer.

14. The Department subsequently learned about the California action which Respondent also failed to report. The Department scheduled another informal conference with Respondent in order to discuss her failure to report the California action and notified Respondent of that conference by letter dated February 21, 2020. The Department issued another conference letter to Respondent and changed the date of the conference after learning of the Delaware action which Respondent also failed to report.

15. During the second informal conference with the Respondent, the Department informed Respondent that she needed to upload copies of the states' orders to the NIPR attachments warehouse and advised Respondent that it would consider possible options to resolve the issue of her violations after she uploaded the orders. Jeffrey Miller reiterated the Department's request for Respondent to upload the orders by e-mails to Respondent on March 20 and April 9, 2020. Respondent

never uploaded the orders to the NIPR attachments warehouse.

16. 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's failures to report the administrative actions against her insurance license in Maine, California, and Delaware within thirty (30) days of the effective date of each of those actions were violations 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 Maine, California, and Delaware administrative actions 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 14<sup>th</sup> day of October 2020.



Meghan Cook  
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 addresses 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:

Ann Fils  
700 SW 108 Avenue 307  
Pembroke Pines, FL 33025  
*(Respondent)*

**Certified Mail Tracking #: 70200640000031853403**

Ann Fils  
1135 NW 126th St.  
North Miami, FL 33168-6441  
*(Respondent)*

**Certified Mail Tracking #: 70200640000031853410**

Ann Fils  
1900 N University Dr  
210  
Pembroke Pines, FL 33024  
*(Respondent)*

**Certified Mail Tracking #: 70200640000031853427**

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 14<sup>th</sup> day of October, 2020.



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