

**NORTH CAROLINA DEPARTMENT OF INSURANCE
RALEIGH, NORTH CAROLINA
DOCKET NO. 1808**

**STATE OF NORTH CAROLINA
COUNTY OF WAKE**

**BEFORE THE COMMISSIONER
OF INSURANCE**

**IN THE MATTER OF
THE LICENSURE OF
SHUNELL FREGISTE
(NPN #16773012)**

**ORDER AND FINAL AGENCY
DECISION**

This matter was heard on Thursday, June 23, 2016, 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 Room #3099 of the Dobbs Building, located at 430 North Salisbury Street, Raleigh, Wake County, North Carolina. Assistant Attorney General LaShawn S. Piquant represented the North Carolina Department of Insurance, Agent Services Division (hereinafter, "Agent Services"). Licensed non-resident agent Shunell Fregiste (hereinafter, "Respondent") was not present for the proceeding.

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

Findings of Fact

1. This matter was initially noticed for hearing on May 23, 2016. The matter was continued to June 23, 2016 to ensure proper service of the notice on Respondent. A Scheduling Order was issued ordering the new hearing date. The Scheduling Order and Notice of Hearing were properly served on Respondent by certified US Mail. The order and notice were served and received by Respondent at the residential address provided to Agent Services verbally: Shunell Fregiste, 4921 Tam Drive, Orlando, Florida 32808. Service was indicated by the return receipts.
2. On or about September 8, 2014, Respondent was issued his non-resident Medicare Supplement and Long-Term Care insurance producer license by Agent Services. Respondent's license is currently active.
3. Information provided by Respondent to the Agent Services and maintained in its records indicates Texas as the resident state for Respondent. Also, Respondent is currently actively licensed in his resident state of Texas.
4. On or about January 28, 2016, Respondent advised Agent Services by phone that he recently relocated to Florida from Texas. Although Respondent verbally provided his

current Florida address, he failed to provide written notification of his change of address to Agent Services as required by N.C. Gen. Stat. § 58-2-69(b). Respondent failed to respond to the Agent Services' written request to update his residential address.

5. On or about July 29, 2015, Respondent applied for licensure with the Wisconsin Department of Insurance (hereinafter, "WDOI"). On or about September 15, 2015, WDOI issued a letter to Respondent denying his application. The denial letter indicated that Respondent's application was denied for failing to promptly respond to numerous requests for information regarding his application and failing to provide evidence of eligibility to work in the United States as required by WDOI licensing statutes.
6. Respondent failed to report the administrative action involving his application denial by WDOI to Agent Services.
7. North Carolina General Statutes § 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."
8. Respondent failed to timely report administrative action taken by WDOI within 30 days after the final disposition of the matter.
9. United Healthcare, Respondent's former employer, uploaded this information to the National Association of Insurance Commissioner's (hereinafter, "NAIC") on or about November 19, 2015. Agent Services became aware of this administrative action against Respondent only after the reporting action taken by his former employer.
10. Respondent's failure to timely report administrative action taken against him in another state is in violation of North Carolina General Statute § 58-33-32(k) and is in violation of N.C. Gen. Stat. § 58-33-46(a)(2) which provides that the Commissioner may place on probation, suspend, revoke or refuse to renew any license for violating the insurance laws 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 FINRA.

Conclusions of Law

1. This matter is properly before the North Carolina Commissioner of Insurance (hereinafter "Commissioner"), and the Commissioner has jurisdiction over the parties and the subject matter pursuant to N. C. Gen. Stat. § 58-33-46, as well as 11 N.C.A.C. 10401 et seq. and other applicable statutes and regulations.
2. The Notice of Hearing was properly served pursuant to Rule 4 of the North Carolina Rules of Civil Procedure and N.C. Gen. Stat. § 58-2-69.
3. Respondent's actions provide sufficient grounds for suspension, probation, revocation or nonrenewal of his licenses as set out in N.C. Gen. Stat. §§ 58-33-46 and 58-33-32.

4. Respondent is in violation of N.C. Gen. Stat. §58-33-32(k) by failing to report administrative action by Wisconsin Department of Insurance (WDOI).
5. Respondent's violation of N.C. Gen. Stat. § 58-33-32(k) provides sufficient grounds for administrative action to be taken against his insurance licenses pursuant to N.C. Gen. Stat. § 58-33-46(a)(2).
6. The evidence presented at the hearing, in the form of testimony and the exhibits introduced, is sufficient to support a revocation of Respondent's license.
7. Additionally, pursuant to 11 NCAC 1.0423(a)(1), if a party fails to appear at a hearing or fails to comply with an interlocutory order of the hearing officer, the hearing officer may find that the allegations of or the issues set out in the notice of hearing or other pleading may be taken as true or deemed to be proved without further evidence. The Respondent failed to appear at the hearing. The allegations contained in the Notice of Hearing are taken as true pursuant to 11 NCAC 1.0423(a)(1).

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

Order

The insurance licenses of Respondent Shunell Fregiste are hereby revoked.

This the 12th day of July, 2016.



Stewart Johnson, Hearing Officer
N.C. Department of Insurance

APPEAL RIGHTS: This Order may be appealed to Superior Court within 30 days of receipt, as set forth in the General Statutes of North Carolina.

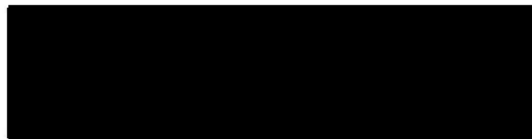
CERTIFICATE OF SERVICE

I hereby certify that I have this day served the foregoing Order and Final Agency Decision by certified US mail, return receipt requested, first class postage affixed and addressed as follows:

**Shunell Fregiste
2640 Deer Hollow Drive
Little Elm, TX 75068-6811**

**Shunell Fregiste
4921 Tam Drive
Orlando, FL 32808**

This the 13th day of July, 2016.



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