

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)
ANITA GOODSON)
a/k/a)
ANITA MANNING)
(NPN #8846783))
)
Respondent.)
)
)

ORDER AND
FINAL AGENCY DECISION

Docket No. 2000

This matter was heard on Thursday, September 17, 2020, 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 Anita Goodson, a/k/a Anita Manning, (hereinafter, "Respondent") did not appear.

Nadine Scott testified for the Petitioner. Petitioner introduced Exhibits 1-10 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 and N.C. Gen. Stat. § 58-2-69(d). 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 Pennsylvania.

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 Medicare Supplement Long Term Care issued by the Department, National Producer Number 8846783. Respondent's license was issued on October 28, 2010.

4. Nadine Scott, a Complaint Analyst with the ASD, testified that this matter came to ASD's attention due to a "PIC Alert", whereby the North Carolina Department of Insurance ("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 actions against her insurance licenses on six (6) occasions in four (4) states between June 13, 2013, and April 27, 2020. The most recent of these administrative actions are in Louisiana (effective date August 16, 2019) and Pennsylvania (effective date April 27, 2020).

5. Respondent previously received a written warning from the Department on March 20, 2019 for failure to timely report three (3) administrative actions she received in South Dakota and Oregon as required by N.C.G.S. 58-33-32(k). Respondent received this written warning following an informal conference with ASD that was held on that same date.

6. Ms. Scott sent requests for documentation and notices of informal conferences to Respondent concerning the Louisiana and Pennsylvania regulatory actions on several occasions through email.

- a. Respondent never responded to the requests for documentation following the two requests sent to her on September 9, 2019 regarding the Louisiana administrative action, and April 29, 2020 regarding the Pennsylvania administrative action.

- b. Ms. Scott sent three (3) informal conference notices to Respondent.
 - i. ASD attempted to hold an informal conference with Respondent regarding the Louisiana administrative action on November 5, 2019. Although Respondent answered the phone at the appointed time of 11:30 a.m., she said she was in a doctor's appointment and asked to be called back at 1:00 p.m. ASD attempted to call Respondent back as requested, but she did not answer the phone. ASD left a voicemail message asking for Respondent to call back, but she never did. Following this, ASD sent another informal conference notice to Respondent setting a new informal conference date for December 4, 2019 at 11:30 a.m.
 - ii. On December 4, 2019 at 11:30 a.m., ASD called Respondent at all three (3) telephone numbers for Respondent found in the Department's records, but Respondent did not answer any of these calls. ASD left a voicemail message asking for Respondent to call back, but she never did.
 - iii. On June 24, 2020, at 11:30 a.m., ASD called Respondent to have an informal conference with her concerning both the Pennsylvania and Louisiana administrative actions. Respondent answered ASD's call and the informal conference took place, wherein Respondent claimed she had uploaded the Pennsylvania administrative action into the "NIPR Warehouse", thus reporting it to the Department. Joe Wall, the ASD staff member who participated in the informal conference, checked the NIPR Warehouse and the Pennsylvania administrative action was not uploaded. Mr. Wall thereafter requested that Ms. Scott send an email to Respondent that same day offering a settlement agreement, license surrender, or a hearing. Respondent did not ever reply to this email or otherwise contact ASD.

7. As part of the regular course of business, Ms. Scott requested and received copies of the administrative actions taken against Respondent's insurance licenses by the Louisiana and Pennsylvania Departments of Insurance. These copies of the administrative actions were admitted into evidence.

8. Respondent's name of record with the Department is "Anita Goodson". However, numerous documents introduced at the hearing show that Ms. Goodson also utilizes the name "Anita Manning". "Anita Goodson" and "Anita Manning" share the same National Producer Number ("NPN") and have physical addresses and email addresses in common. In response to a request by the Department to the Louisiana and Pennsylvania Departments of Insurance for records concerning "Anita Goodson", NPN 8846783, those departments produced records for "Anita Manning". Ms. Scott explained in her testimony that the NPN is the same number for all states in which a person holds an insurance license, and there is only one NPN for a single person. Hence, two different people will never have the same National Producer License.

9. On or about July 16, 2019, Respondent was subject to adverse administrative action in the State of Louisiana when her license was revoked for failing to make a disclosure on her January 26, 2018 license application, for failure to timely report an administrative action in South Dakota, and for failure to respond to the Louisiana insurance department's inquiries.

10. Respondent failed to notify the North Carolina Commissioner of Insurance ("Commissioner") of the Louisiana administrative action within thirty (30) days as required by N.C. Gen. Stat. § 58-33-32(k). Respondent never reported this administrative action to the Department.

11. On or about April 27, 2020, Respondent was subject to adverse administrative action in the State of Pennsylvania when she entered into a Consent Order with a five hundred dollar (\$500.00) monetary penalty for failure to timely notify the Pennsylvania insurance department of administrative actions taken against her license in Oregon and South Dakota, and failure to accurately answer the question regarding prior administrative actions on her license application on June 28, 2018.

12. Respondent failed to notify the Commissioner of the Pennsylvania administrative action within thirty (30) days as required by N.C. Gen. Stat. § 58-33-32(k). Respondent never reported this administrative action to the Department.

13. 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 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 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 actions against her insurance licenses in Louisiana and Pennsylvania to the Department within thirty (30) days of the effective dates of those actions are violations of N.C. Gen. Stat. § 58-33-32(k).

6. 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 licenses are subject to suspension or revocation under N.C.G.S. § 58-33-46(a)(2) for failing to report the Louisiana and Pennsylvania administrative actions to the Department in violation of N.C.G.S. § 58-33-32(k).

7. Respondent has apparently recently utilized the names "Anita Goodson" (the name of record with the Department) and "Anita Manning", and ample evidence was introduced at the hearing showing that these are one and the same person, possessing the National Producer Number 8846783.

8. Respondent has previously had an informal conference with ASD and thereafter received a written warning on March 20, 2019 for failure to timely report other states' administrative actions in Oregon and South Dakota. Despite this, Respondent has continued to violate N.C.G.S. § 58-33-32(k) by not reporting subsequent administrative actions.

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 25th day of September, 2020.



Sherri Hubbard, 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); to an additional address known for Respondent; and via State Courier to Attorney for Petitioner, addressed as follows:

ANITA GOODSON a/k/a ANITA MANNING
4210 Township Line Rd.
Harleysville, PA. 19438-3325

Certified Mail Tracking #: 70191120000089734893

ANITA GOODSON a/k/a ANITA MANNING
101 James Circle
East Norriton, PA 19403

Certified Mail Tracking #: 70191120000089734909

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

This the 25th day of September, 2020.



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