

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 )  
AVA R. HALL )  
NPN 17658000 )

Petitioner. )

ORDER AND  
FINAL AGENCY DECISION  
Docket Number: 1920

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**THIS MATTER** was heard on March 20, 2019 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 Ava R. Hall (hereinafter, "Respondent").

Respondent, proceeding pro se, failed to appear at the 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 Jeff Miller, an ASD complaint analyst, testified at the hearing.

ASD offered into evidence Petitioner's Exhibits 1 through 11, which were admitted into evidence.

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

**FINDINGS OF FACT**

1. The 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 holds an active North Carolina license as a non-resident insurance producer ("NC License").

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

4. On February 4, 2019, the Commissioner served a copy of the February 4, 2019 NOAH on Respondent at the residential address she has listed with the NCDOI via First Class U.S. Mail and First-Class U.S. Registered Mail, return receipt requested, as permitted by N.C.R. Civ. P. 4. The copy of the NOAH served on Respondent at her residential via First-Class U.S. Registered Mail, return receipt requested, was returned as undeliverable. The copy of the NOAH served on Respondent via First Class U.S. Mail at her residential address has never been returned.

5. N.C. Gen. Stat. § 58-33-32(k) states in relevant part:

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. . . . 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.

6. Effective January 24, 2017, the Georgia Office of Insurance and Safety Fire Commissioner placed on probation Respondent's insurance producer's license in that state ("Georgia Action").

7. Respondent did not report the Georgia Action to the Commissioner within 30 days.

8. Effective June 11, 2018, the Louisiana Department of Insurance revoked Respondent's insurance producer's license in that state ("Louisiana Action").

9. Respondent did not report the Louisiana Action to the Commissioner within 30 days.

10. Effective October 12, 2018, the California Department of Insurance revoked Respondent's insurance producer's license in that state ("California Action").

11. Respondent did not report the California Action to the Commissioner within 30 days.

12. Effective October 19, 2018, the Division of Insurance of the South Dakota Department of Labor and Regulation denied Respondent the renewal of her

insurance producer's license in that state ("South Dakota Action").

13. Respondent did not report the South Dakota Action to the Commissioner within 30 days.

### 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 N. C. Gen. Stat. §§ 58-2-55, 58-33-46, 150B-38 and 150-40, as well as 11 N.C.A.C. 10401 et seq. and other applicable statutes and regulations.

2. Respondent was properly served with the Notice of Hearing 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. § 58-33-32(k) – an insurance law of this state – by failing to report the Georgia, Louisiana, California and South Dakota Actions to the Commissioner, and her NC License should therefore be revoked pursuant to N.C. Gen. Stat. § 58-33-46(a)(2).

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

### ORDER

It is ORDERED that Respondent's non-resident insurance producer's license is hereby 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, 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.

This the 4<sup>th</sup> day of April, 2019.

  
A. John Hoomani, Hearing Officer

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.G. Gen. Stat. § 58-2-69(b); and, via State Courier, addressed as follows:

Ava R. Hall  
9205 Wild Spruce Dr.  
Fredericksburg, VA 22407-9262


Certified Mail Tracking Number: 70170530000073185821

*Pro Se* Respondent

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

Attorney for Petitioner

This the 4<sup>th</sup> day of April, 2019.

  
Mary Faulkner