

**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
KENNETH BARRY HILL**

**ORDER AND FINAL AGENCY
DECISION**

Docket Number: 1947

THIS MATTER was heard on June 12, 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 Kenneth Barry Hill (“Respondent”).

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

Respondent, proceeding *pro se*, failed to appear at the hearing.

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 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, the undersigned Hearing Officer hereby makes the following Findings of Fact and Conclusions of Law:

FINDINGS OF FACT

1. The NOAH was properly served on Petitioner pursuant to N.C. Gen. Stat. § 58-2-69(d).
2. 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.

3. Respondent holds an active North Carolina license (“License”) as a resident insurance producer.

4. In his June 22, 2016 application for his License, Respondent stated he had never been convicted of a felony or had a judgment withheld or deferred.

5. Contrary to the statement in his application, Respondent pled guilty and was convicted of two felonies – DUI Habitual Violator and False Swearing – on or about September 25, 1991 in the Superior Court of Cobb County, GA.

6. Effective March 10, 2018, the Louisiana Department of Insurance revoked Respondent’s insurance producer’s license in that state (“Louisiana Action”).

7. 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.

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

9. Effective May 14, 2018, the Virginia State Corporation Commission, Bureau of Insurance revoked Respondent’s insurance producer’s license in that state (“Virginia Action”).

10. Respondent did not report the Virginia Action to the Commissioner within 30 days.

11. Effective October 31, 2018, the California Department of Insurance revoked Respondent’s insurance producer’s license in that state (“California Action”).

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

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)(1), in relevant part, entitles the Commissioner to suspend, place on probation or revoke a license if he finds that a producer has provided “materially incorrect, misleading, incomplete, or materially untrue information in the license application.”

4. Respondent provided materially incorrect and materially untrue information in his June 22, 2016 application by stating he had never received any felony conviction and by failing to disclose his two Georgia felony convictions.

5. 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.”

6. The Louisiana, Virginia and California Actions are administrative actions within the meaning of N.C. Gen. Stat. § 58-33-32(k). Respondent violated N.C. Gen. Stat. § 58-33-32(k) – an insurance law of this state – by failing to report the Louisiana, Virginia and California Actions to the Commissioner.

ORDER

Based upon the foregoing Findings of Fact and Conclusions of Law, it is ORDERED that Respondent’s North Carolina 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 1.0413 and N.C.G.S. § 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 24th day of July 2019.



Meghan Cook, Hearing Officer
N.C. Department of Insurance
1201 Mail Service Center
Raleigh, NC 27699-1201

CERTIFICATE OF SERVICE

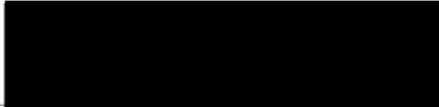
I HEREBY CERTIFY that I have this day served a copy of the foregoing ORDER AND FINAL AGENCY DECISION by mailing a copy of the same via certified U.S. Mail, return receipt requested; via First-class U.S. Mail to the licensee at the address provided to the Commissioner pursuant to N.G. Gen. Stat. § 58-2-69(b); and, via State Courier, addressed as follows:

Kenneth Barry Hill
439 Courtney Ln.
Matthews, NC 28105-6558

Certified Mail Receipt Number: 70191120000089734022

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

This 24th day of July 2019.


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