

NORTH CAROLINA DEPARTMENT OF INSURANCE
RALEIGH, NORTH CAROLINA

STATE OF NORTH CAROLINA)	BEFORE THE
COUNTY OF WAKE)	COMMISSIONER OF INSURANCE
)	
)	
IN THE MATTER OF:)	ORDER AND FINAL
)	AGENCY DECISION
THE LICENSURE OF:)	
LLOYD HOWARD)	Docket Number: 1916
NPN #4762645)	
Respondent.)	
)	

THIS MATTER was heard on March 7, 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 that was duly issued and served.

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

Petitioner Agent Services Division ("Agent Services") of the North Carolina Department of Insurance ("NCDOI") was present at the hearing and was represented by Thomas J. Felling, Assistant Attorney General. Agent Services Senior Complaint Analyst Tommy Walls testified at the hearing.

Agent Services offered into evidence Petitioner's Exhibits 1 through 7, 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 Scheduling Order and Notice of Administrative Hearing were properly served on Respondent on January 29, 2019. The Notice of Administrative Hearing, Scheduling Order and Affidavit of Service were admitted into evidence as Exhibits 1, 1C, and 2 respectively.
2. At all times relevant herein, Respondent held a nonresident Insurance Producer License with lines of authority in Life, Accident & Health or Sickness, and Medicare Supplement Long-Term Care, License number 0004762645. A copy of the Licensee Summary was admitted into evidence as Exhibit 3.

3. On or about August 4, 2015, the State of Wisconsin Office of the Commissioner of Insurance, via written correspondence, denied Respondent's application for a permanent individual intermediary agent's insurance license for failing to respond to requests for information. The correspondence states that the license denial is an administrative action. Records from the State of Wisconsin Office of the Commissioner of Insurance were admitted into evidence as Exhibit 5.

4. On or about March 20, 2017, the North Dakota Insurance Department, via written correspondence, denied Respondent's application for a nonresident individual insurance producer license for failing to disclose the above referenced Wisconsin administrative action on his application. The March 20, 2017 correspondence from the North Dakota Insurance Department does not state that the license denial is an administrative action. Records from the North Dakota Insurance Department were admitted into evidence as Exhibit 6.

5. On or about December 22, 2017, the Louisiana Department of Insurance entered a Revocation Order revoking Respondent's insurance producer license for failing to report the above referenced North Dakota license denial to the Louisiana Department of Insurance within 30 days. This Revocation Order was an administrative action. Records from the Louisiana Department of Insurance were admitted into evidence as Exhibit 7.

6. Respondent did not report the Louisiana administrative action to the Commissioner within 30 days of the final disposition of that matter.

7. Respondent did not respond to communications sent to him by Tommy Walls regarding the action taken by the Louisiana Department of Insurance against his producer license. Copies of an email and written correspondence sent to Respondent by Tommy Walls were admitted into evidence as Exhibit 4.

8. The undersigned Hearing Officer notes that Respondent's failure to respond to any inquiry or process from NCDOI is concerning and gives the appearance that Respondent does not recognize the importance of the regulatory authority of the Commissioner over licensees.

CONCLUSIONS OF LAW

1. This matter is properly before the Commissioner. The Commissioner has jurisdiction over the parties and the subject matter pursuant to Chapter 58 of the North Carolina General Statutes.

2. Respondent was properly served with the Notice of Administrative Hearing in this matter.

3. N.C. Gen. Stat. § 58-33-32(k) requires a producer to report to the Commissioner any administrative action taken against the producer in another state or by another governmental agency in this State within thirty (30) days after the final disposition of the matter.

4. Respondent failed to report to the Commissioner the aforementioned Louisiana administrative action within thirty (30) days of the final disposition of that matter and therefore violated N.C. Gen. Stat. § 58-33-32(k).

5. N.C. Gen. Stat. § 58-33-46(a)(2) authorizes the Commissioner to take disciplinary action against a license holder if the licensee has violated any insurance law of this or any other state, violated any administrative rule, subpoena, or order of the Commissioner or of another state's insurance regulator, or violated any rule of FINRA.

6. Respondent's violation of N.C. Gen. Stat. § 58-33-32(k) constitutes a violation of insurance laws of this state and is therefore grounds for license revocation under N.C. Gen. Stat. § 58-33-46(a)(2).

ORDER

Based upon the foregoing Findings of Fact and Conclusions of Law, it is ORDERED that Respondent's Nonresident producer license be revoked effective as of the date of the signing of this Order.

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 21st day of March, 2019.



Sherri Hubbard
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 the foregoing ORDER and FINAL AGENCY DECISION by mailing a copy of the same via Certified U.S. Mail, return receipt requested; and via First Class U.S. Mail to the licensee at the address provided to the Commissioner pursuant to N.C. Gen. Stat. § 58-2-69(b); and via State Courier addressed as follows:

Lloyd Howard
7901 Henry Ave., Apt C312
Philadelphia, PA 19128

Certified Mail Receipt Number: 70170530000073185807

Thomas J. Felling
Assistant Attorney General
N.C. Department of Justice
Insurance Section
Post Office Box 629
Raleigh, NC 27602

This the 21st day of March, 2019


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