

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
SAMIR R. JONES
(NPN # 18750790)

Respondent.

ORDER AND
FINAL AGENCY DECISION

Docket Number: 2092

THIS MATTER was heard on Wednesday, October 5, 2022, by the undersigned Hearing Officer, as designated by the Commissioner of Insurance (“Commissioner”) 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 (hereinafter “Department”), Agent Services Division (hereinafter “Petitioner” or “ASD”). Respondent Samir R. Jones (hereinafter, “Respondent”) did not appear.

Service of the Notice of Administrative Hearing providing Respondent with due notice of the October 5, 2022, hearing was achieved by United States first-class, certified mail on September 9, 2022, as shown by the Affidavit of Service.

Jeffrey Miller, Complaint Analyst with the Agent Services Division (ASD) of the North Carolina Department of Insurance, testified for the Petitioner. Petitioner’s Exhibits 1 through 10, including all subparts, were admitted into evidence.

The Notice of Administrative Hearing and attached Petition and the Affidavit of Service were admitted into evidence as administrative exhibits.

BASED UPON 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 North Carolina Department of Insurance (“NCDOI”) is a state

agency responsible for enforcement of the insurance laws of North Carolina and for regulating and licensing insurance producers, in accordance with Chapter 58 of the North Carolina General Statutes.

2. Respondent currently holds a Non-Resident Producer License with lines of authority in Casualty and Property; National Producer Number 18750790.

3. Respondent's North Carolina license was first active on or about April 12, 2018.

4. Jeffrey Miller, Complaint Analyst, testified that ASD was made aware of an Illinois administrative action, and multiple state regulatory actions against the Respondent via an automatic notification system through the NAIC ("National Association of Insurance Commissioners") detailed on a "RIRS report" which were admitted into evidence.

5. Effective May 14, 2018, the North Dakota Insurance Department took administrative action against Respondent, denying his license application for Respondent's failure to respond to offers of a conditional license due to child support arrearage.

6. Respondent did not report the May 14, 2018, North Dakota administrative action to the Commissioner within thirty (30) days of the effective date of that action, as is required by N.C. Gen. Stat. § 58-33-32(k).

7. Effective December 28, 2018, the Louisiana Department of Insurance took administrative action against Respondent, for failing to report the North Dakota administrative action, after correspondence was sent to the Respondent requesting more information, however Respondent's failure to respond caused Louisiana to enter a "Revocation Order".

8. Respondent did not report the December 28, 2018, Louisiana administrative action to the Commissioner within thirty (30) days of the effective date of that action, as is required by N.C. Gen. Stat. § 58-33-32(k).

9. Effective January 23, 2019, the South Dakota Department of Labor and Regulation Division of Insurance took administrative action against Respondent, resulting in a "Final Decision" revoking Respondent's South Dakota insurance producer license, for failure to timely report an administrative action taken against him in another state.

10. Respondent did not report the January 23, 2019, South Dakota administrative action to the Commissioner within thirty (30) days of the effective

date of that action, as is required by N.C. Gen. Stat. § 58-33-32(k).

11. Effective May 15, 2019, the State of Washington Office of the Insurance Commissioner took administrative action against Respondent, entering an "Order Revoking License" due to Respondent's failure to timely report the South Dakota's adverse administrative action against him.

12. Respondent did not report the May 15, 2019, Washington administrative action to the Commissioner within thirty (30) days of the effective date of that action, as is required by N.C. Gen. Stat. § 58-33-32(k).

13. Effective October 25, 2019, a Virginia administrative action was taken against Respondent when the Virginia State Corporation Commission entered an "Order Revoking License" for failing to report within thirty (30) days any administrative action taken against him when he failed to report administrative actions from other states.

14. Respondent did not report the October 25, 2019, Virginia administrative action to the Commissioner within thirty (30) days of the effective date of that action, as is required by N.C. Gen. Stat. § 58-33-32(k).

15. Jeffrey Miller testified that he first contacted Respondent on January 14, 2021, at the email address on record with the Department, requesting Respondent to provide a written response and documentation regarding an Illinois administrative action revocation effective January 1, 2021; as Respondent could still timely report the action until February 1, 2021. Respondent did not respond to the Department.

16. Mr. Miller sent additional correspondence to Respondent on January 29, 2021, regarding the apparent noting that Respondent had ten (10) days to respond to the Department. Respondent did not provide any response to the Department.

17. On February 18, 2021, Mr. Miller sent Respondent an informal conference notice concerning his apparent failure to timely report an administrative action. The informal conference was scheduled for March 30, 2021, by phone. Respondent did not respond, nor did he attend the informal conference via telephone as instructed.

18. On April 15, 2021, Mr. Miller sent Respondent an informal conference notice for May 26, 2021. This notice detailed Respondent's failure to timely report several administrative actions in multiple states. Respondent did not respond to this email, nor did he attend the informal conference via telephone as instructed.

19. Mr. Miller testified that a licensee may report an administrative action

to all states in which that licensee holds insurance licenses by uploading a copy of the administrative action to the NIPR Attachment Warehouse, where it displays in the section entitled "Attachment Warehouse – Reporting of Actions:".

20. On January 31, 2020, documents were uploaded through the NIPR Attachment Warehouse, including administrative actions Respondent received in North Dakota (license revocation effective May 14, 2018), South Dakota (license revocation effective January 23, 2019), Virginia (license revocation effective October 25, 2019), and Louisiana (license revocation effective December 28, 2018).

21. Respondent was required to report the administrative actions in North Dakota, Louisiana, South Dakota, Washington and Virginia within thirty (30) days of the effective dates of those actions pursuant to N.C. Gen. Stat. § 58-33-32(k).

22. Petitioner provided conflicting evidence regarding the Illinois administrative action against Respondent and the timeliness in which such action was reported by Respondent.

23. Petitioner requested that Respondent's licenses be revoked pursuant to N.C. Gen. Stat. §§ 58-33-32(k), 58-33-46(a)(1), and 58-33-46(a)(2), noting that Respondent never responded to any of ASD's communications, and that he failed to appear at two informal conferences.

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 Respondent was properly served with the Notice of Administrative Hearing pursuant to N.C. Gen. Stat. § 58-2-69(d) and Rule 4 of the North Carolina Rules of Civil Procedure.

3. The evidence presented at the hearing supports the allegations of the Notice of Hearing and Petition.

4. Pursuant to N.C. Gen. Stat. § 58-33-46(a)(2), one basis for the revocation of a license issued by the Department of Insurance is a violation of any insurance law of North Carolina.

5. N.C. Gen. Stat. § 58-33-32(k) requires a producer to report "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.

6. Respondent’s failure to report the administrative actions against his North Dakota, Louisiana, South Dakota, Washington, and Virginia insurance licenses 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).

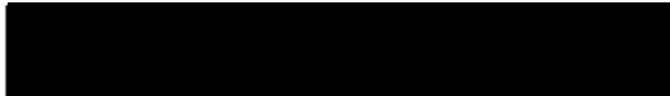
7. It should be noted that although the evidence showed that Respondent did not timely report the Illinois administrative action that was effective on January 1, 2021, this administrative action was omitted from the Petition and thus is therefore not a basis of disciplinary action against Respondent’s license.

BASED ON the foregoing Findings of Fact 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 6th day of January 2023.



Alisha Benjamin
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); and via State Courier to Attorney for Petitioner, addressed as follows:

SAMIR R. JONES
637 TIMBERLINE DR.
HURST, TX 76053
(Respondent)

Certified Mail Tracking Number: 70200640000031858095

SAMIR R. JONES
2701 BROWN TRL STE 200
BEDFORD, TX 76021
(Respondent)

Certified Mail Tracking Number: 70200640000031858088

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

This the 6th day of January, 2023.

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