

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)
RYAN LEWIS)
(NPN # 5009778))

Respondent.)

ORDER AND
FINAL AGENCY DECISION

Docket Number: 2028

THIS MATTER was heard on April 8, 2021 by the undersigned Hearing Officer, designated by the North Carolina Commissioner of Insurance (hereinafter, "Commissioner") under N.C. Gen. Stat. § 58-2-55. The administrative hearing was held in Hearing Room #131 of the Albemarle Building, located at 325 North Salisbury Street, Raleigh, Wake County, North Carolina.

Petitioner, the Agent Services Division of the North Carolina Department of Insurance (hereinafter, "Agent Services"), was represented by Assistant Attorney General Nathan Childs. Respondent Ryan Lewis (hereinafter, "Respondent") did not appear and was not represented by counsel at the hearing.

Service of the Scheduling Order and Notice of Administrative Hearing providing Respondent with due notice of the April 8, 2021 hearing was perfected on March 7, 2021.

Agent Services moved, pursuant to 11 N.C.A.C. 1.0423(a), for the imposition of sanctions due to Respondent's failure to appear at the hearing. Petitioner's motion for sanctions is GRANTED and, in the Hearing Officer's discretion, the allegations contained in Agent Services' Petition for Administrative Hearing are taken as true and deemed proved without further evidence.

Out of an abundance of caution, and notwithstanding the sanction imposed on Respondent, the undersigned Hearing Officer proceeded to accept and consider testimony and evidence offered by Agent Services in support of its Petition at the hearing.

Jeffrey Miller, a Complaint Analyst with Agent Services, appeared and testified on behalf of Agent Services. Agent Services offered into evidence Exhibits 1 through 16, which were admitted into evidence.

BASED UPON the allegations of the Petition for Administrative Hearing which have been deemed proven, as well as careful consideration of the testimony and evidence presented at the hearing by Agent Services, and based upon the entire record in this proceeding, the Hearing Officer hereby makes the following:

FINDINGS OF FACT

1. Respondent has a non-resident North Carolina insurance producer's license with lines of authority for Life, Accident and Health or Sickness, as well as a North Carolina Medicare Supplement Long-Term Care license (collectively, "License").

2. Effective October 2, 2017, the State Corporation Commission of the Commonwealth of Virginia took administrative action against Respondent, resulting in a settlement order accepting Respondent's voluntary surrender of his Virginia non-resident producer license for misrepresenting the benefits, advantages, conditions, or terms of an insurance policy and conducting sales on behalf of an insurer without having an active appointment with the insurer.

3. Respondent did not report the October 2, 2017 Virginia administrative action to the Commissioner within thirty (30) days as required by N.C. Gen. Stat. § 58-33-32(k).

4. Effective January 19, 2018, the Wisconsin Insurance Commissioner took administrative action against Respondent, resulting in a \$1,000 monetary penalty for failure to timely report the October 2, 2017 Virginia administrative action and failure to provide accurate information on his Wisconsin insurance license renewal application.

5. Respondent did not report the January 19, 2018 Wisconsin administrative action to the Commissioner within thirty (30) days as required by N.C. Gen. Stat. § 58-33-32(k).

6. Effective September 4, 2018, the Wisconsin Insurance Commissioner took a second administrative action against Respondent, resulting in a stipulation and order whereby Respondent was fined \$1,000 and agreed to the revocation of his Wisconsin non-resident intermediary insurance license for failing to timely pay the \$1,000 monetary penalty imposed on January 19, 2018.

7. Respondent did not report the September 4, 2018 Wisconsin administrative action to the Commissioner within thirty (30) days as required by N.C. Gen. Stat. § 58-33-32(k).

8. Effective January 21, 2019, the Louisiana Department of Insurance took administrative action against Respondent, resulting in a \$250 monetary penalty for failing to timely report the January 19, 2018 and September 4, 2018 Wisconsin administrative actions.

9. Respondent did not report the January 21, 2019 Louisiana administrative action to the Commissioner within thirty (30) days as required by N.C. Gen. Stat. § 58-33-32(k).

10. Effective August 12, 2020, the Massachusetts Office of Consumer Affairs and Business Regulation Division of Insurance took administrative action against Respondent, resulting in an Order on Petitioner's Motion for Entry of Default and Summary Decision whereby Respondent was fined \$1,000, his Massachusetts non-resident producer license was revoked, and Respondent was prohibited from transacting any insurance business in Massachusetts for failing to disclose the October 2, 2017 Virginia administrative action in Respondent's Massachusetts insurance license renewal application.

11. Respondent did not report the August 12, 2020 Massachusetts administrative action to the Commissioner within thirty (30) days as required by N.C. Gen. Stat. § 58-33-32(k).

BASED UPON the foregoing findings of fact, the Hearing Officer makes the following:

CONCLUSIONS OF LAW

1. This matter is properly before the Commissioner, and the Commissioner has jurisdiction over the parties and the subject matter.

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

3. By failing to appear at the hearing, Respondent is subject to a sanction under 11 N.C.A.C. 1.0423(a) and, after considering lesser sanctions, this Court concludes that the appropriate sanction is to take the allegations contained in Agent Services' Petition for Administrative Hearing to be true and deemed proved without further evidence.

4. In addition to the allegations of the Petition for Administrative Hearing taken as true under 11 N.C.A.C. 1.0423(a), which are sufficient by themselves to warrant the Order entered herein, the undersigned Hearing Officer heard additional testimony and evidence offered by Agent Services which was also sufficient to support this Order.

5. N.C. Gen. Stat. § 58-33-32(k) requires an insurance producer to report to the Commissioner “any administrative action” taken against the producer in another state “within 30 days after the final disposition of the matter.”

6. Respondent failed to timely report the Virginia, Wisconsin, Louisiana, and Massachusetts administrative actions taken against Respondent pursuant to the above statute.

7. 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 violation of the insurance laws of North Carolina.

8. By failing to report the Virginia, Wisconsin, Louisiana, and Massachusetts administrative actions within thirty days of their final disposition, Respondent committed multiple violations of N.C. Gen. Stat. § 58-33-32(k), which is a North Carolina insurance law within the meaning of N.C. Gen. Stat. § 58-33-46(a)(2).

9. The Hearing Officer concludes that Respondent’s License should be revoked 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 non-resident North Carolina insurance producer’s license and Respondent’s North Carolina Medicare Supplement Long-Term Care license are hereby **REVOKED**.

This 19th day of May, 2021.



Sherril 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. § 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.

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 Respondent; and via State Courier to Attorney for Petitioner; addressed as follows:

Ryan Lewis
1324 SW Surrey Trace
Lees Summit, MO 64081
(Respondent)

Certified Mail Tracking #: 70200640000031856046

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

This 20th day of May, 2021.



Mary Faulkner
Paralegal
N.C. Department of Insurance
General Counsel's Office
1201 Mail Service Center
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