

NORTH CAROLINA DEPARTMENT OF INSURANCE
RALEIGH, NORTH CAROLINA

STATE OF NORTH CAROLINA) COUNTY OF WAKE))) IN THE MATTER OF:)) THE LICENSURE OF) WILLIAM MANDALINE) NPN #18625842)) Respondent.)))	BEFORE THE COMMISSIONER OF INSURANCE ORDER AND FINAL AGENCY DECISION Docket Number: 1998
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This matter was heard on Wednesday, July 29, 2020, by the undersigned Hearing Officer, as designated by the Commissioner of Insurance 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, Agent Services Division (hereinafter “Petitioner” or “ASD”). Respondent William Mandaline (hereinafter, “Respondent”) did not appear.

Jeff Miller testified for the Petitioner. Petitioner introduced Exhibits 1-12 into evidence.

Due to the Petitioner’s failure to appear at the hearing, pursuant to 11 NCAC 01.0423(a)(1), the allegations of the Notice of Hearing and attached Petition for Administrative 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, 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 Notice of Administrative Hearing was properly served on Petitioner pursuant to Rule 4 of the North Carolina Rules of Civil Procedure and N.C. Gen. Stat. § 58-2-69(d). The Notice of Administrative Hearing and attached Petition and the Affidavit of Service were admitted into evidence as administrative exhibits.

2. Respondent is a resident of Florida.

3. The Department has the authority and responsibility for the enforcement of insurance laws of this State and for regulating and licensing insurance agents. Respondent holds a Non-Resident Producer License with lines of authority in Life and Accident & Health or Sickness issued by the Department, National Producer Number 18625842. Respondent's license was issued on January 10, 2018.

4. Jeff Miller, a Complaint Analyst with the Agent Services Division (ASD) of the North Carolina Department of Insurance ("Department"), testified that this matter came to ASD's attention due to a "PIC Alert", whereby the Department receives an alert when a licensee has had an adverse regulatory action in another state. These regulatory actions are reflected on the "RIRS report", which showed that Respondent has received adverse regulatory actions against his insurance licenses in six (6) states between March 28, 2019, and February 9, 2020.

5. Mr. Miller sent requests for information and notices of informal conferences to Respondent concerning these regulatory actions on several occasions through email and through USPS mail, however the Respondent never responded. On October 3, 2019, Mr. Miller attempted to hold an informal conference by phone with Respondent. Respondent did not answer the phone. Mr. Miller left a voice mail message with Respondent asking him to call Mr. Miller back. Respondent never contacted Mr. Miller. On December 4, 2019, Mr. Miller again attempted to hold an informal conference by phone with Respondent and left a voicemail message asking for a return phone call, however Respondent did not contact Mr. Miller.

6. As part of the regular course of business, Mr. Miller requested and received copies of the administrative actions taken against Respondent's insurance licenses from each of the six states that had taken adverse administrative action against Respondent. These copies of the administrative actions were admitted into evidence.

7. On or about March 28, 2019, Respondent was subject to adverse administrative action in the State of Virginia when he surrendered his license following a field investigation that found that Respondent had made false representations about an insured's employment on an insurance application for the purpose of obtaining a commission.

8. Respondent failed to notify the North Carolina Commissioner of Insurance ("Commissioner") of the Virginia administrative action within thirty (30) days as required by N.C. Gen. Stat. § 58-33-32(k). Respondent never reported this administrative action to the Department.

9. On or about June 6, 2019, Respondent was subject to adverse administrative action in the State of Maine when his license was revoked for failure to respond and for demonstrated lack of fitness or trustworthiness, which was related to two insurance applications submitted to insurance companies with false employment information concerning the applicants.

10. Respondent failed to notify the North Carolina Commissioner of Insurance (“Commissioner”) of the Maine administrative action within thirty (30) days as required by N.C. Gen. Stat. § 58-33-32(k). Respondent never reported this administrative action to the Department.

11. On or about June 10, 2019, Respondent was subject to adverse administrative action in the State of Arizona when his license was revoked for failure to respond and for demonstrated lack of fitness or trustworthiness for submitting untrue information on his license application related to the applicant’s employment, whereby Respondent used a fraudulent employer group on the application.

12. Respondent failed to notify the North Carolina Commissioner of Insurance (“Commissioner”) of the Arizona administrative action within thirty (30) days as required by N.C. Gen. Stat. § 58-33-32(k). Respondent never reported this administrative action to the Department.

13. On or about September 25, 2019, Respondent was subject to adverse administrative action in the State of Washington when his license was revoked for failure to respond and for failure to report other state action.

14. Respondent failed to notify the North Carolina Commissioner of Insurance (“Commissioner”) of the Washington administrative action within thirty (30) days as required by N.C. Gen. Stat. § 58-33-32(k). Respondent never reported this administrative action to the Department.

15. On or about November 27, 2019, Respondent was subject to adverse administrative action in the State of Louisiana when his license was revoked for failure to report other state action.

16. Respondent failed to notify the North Carolina Commissioner of Insurance (“Commissioner”) of the Louisiana administrative action within thirty (30) days as required by N.C. Gen. Stat. § 58-33-32(k). Respondent never reported this administrative action to the Department.

17. On or about February 9, 2020, Respondent was subject to adverse administrative action in the State of California when his license was revoked for failure to report other state action and for demonstrated lack of fitness or

trustworthiness.

18. Respondent failed to notify the North Carolina Commissioner of Insurance (“Commissioner”) of the California administrative action within thirty (30) days as required by N.C. Gen. Stat. § 58-33-32(k). Respondent never reported this administrative action to the Department.

19. Petitioner requested that Respondent’s license be revoked pursuant to N.C. Gen. Stat. §§ 58-33-32(k) and 58-33-46(a)(2).

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 Notice of Administrative Hearing was properly served on Petitioner pursuant to Rule 4 of the North Carolina Rules of Civil Procedure.

3. Pursuant to 11 NCAC 01.0423(a)(1), as sanction for Petitioner’s failure to appear at the hearing, the allegations of the Notice of Hearing may be taken as true or deemed to be proved without further evidence.

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

5. Respondent’s failures to report the administrative actions against his insurance licenses in Virginia, Maine, Arizona, Washington, Louisiana, and California 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).

6. N.C.G.S. § 58-33-46(a)(2) allows the Commissioner to suspend, revoke, or refuse to renew any license issued under this Article for violating any insurance law of this or any other state. Respondent’s licenses are subject to suspension or revocation under N.C.G.S. § 58-33-46(a)(2) for failing to report the Virginia, Maine, Arizona, Washington, Louisiana, and California administrative actions to the Department in violation of N.C.G.S. § 58-33-32(k).

Based on the foregoing Finding of Facts 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 3rd day of August, 2020.



Meghan Cook, 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 address 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:

WILLIAM MANDALINE
9604 Capendone Ave
Apt. 106
Palm Beach Gardens, FL. 33418
(Respondent)

Certified Mail Tracking #: 70191120000089734596

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 3rd day of August, 2020.



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