

**NORTH CAROLINA DEPARTMENT OF INSURANCE  
RALEIGH, NORTH CAROLINA**

**Docket Number: D-1789**

**STATE OF NORTH CAROLINA**

**BEFORE THE COMMISSIONER  
OF INSURANCE**

**COUNTY OF WAKE**

JUN 2 2016

**IN THE MATTER OF THE  
LICENSURE OF  
SHANIS MCCLELLAN  
NPN # 16662090**

**FINAL AGENCY DECISION  
AND ORDER**

This matter was heard on Wednesday, May 12, 2016, by the undersigned Hearing Officer, as designated by the Commissioner of Insurance, pursuant to North Carolina General Statutes §§ 58-2-50, 58-2-55, 58-2-70, 58-33-30, 58-33-31, 58-33-46, 150B-38, 150B-39, 150B-40 and 11 NCAC 1.0401 *et seq.* and other applicable statutes and regulations. The administrative hearing was held in Room 3099 of the Dobbs Building, located at 430 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 "Agent Services" or "ASD"). Shanis McClellan (hereinafter, "Respondent") did not appear.

Mr. William Thomas Walls, Complaint Analyst, testified for Agent Services, and documentary evidence was presented. After careful consideration of the evidence and arguments presented, and based on the record as a whole, the Undersigned makes the following Findings of Fact and Conclusions of Law:

**FINDINGS OF FACT**

1. The Notice of Administrative Hearing was properly served on Respondent pursuant to Rule 4 of the North Carolina Rules of Civil Procedure.
2. The General Assembly of North Carolina has delegated to the Commissioner of Insurance and the Department the authority and responsibility for the enforcement of Chapter 58 of the North Carolina General Statutes, including regulating and licensing insurance agents under Article 33 of that Chapter.
3. Respondent is a resident of Frisco, Texas, and holds a non-resident producer license issued by the Department with lines of authority in the areas of Medicare Supplement Long Term Care and Accident and Health or Sickness.
4. Documentary evidence admitted at the hearing and testimony shows that Respondent received an administrative action against his Utah insurance license on July 10, 2014, for

failure to respond to an inquiry by the Utah Department of Insurance in violation of Utah Code § 31A-2-202(4), for which he received a \$500 fine.

5. Documentary evidence admitted at the hearing and testimony show that Respondent at no time thereafter reported the Utah administrative action to the Department or to the NIPR.
6. Documentary evidence admitted at the hearing and testimony show that Respondent received an administrative action against his Delaware insurance license on September 5, 2015, for failure to report another State's action in violation of 18 Del. C. § 1719(a), for which his license was revoked and he was fined \$500.
7. Documentary evidence admitted at the hearing and testimony show that Respondent at no time thereafter reported the Delaware administrative action to the Department or to the NIPR.
8. Documentary evidence admitted at the hearing and testimony show that the Department contacted the Respondent on several occasions between January 9, 2015 and April 22, 2015 by letter and email and held a telephone informal conference regarding his failure to report the Delaware and Utah administrative actions.
9. There is substantial evidence that supports the foregoing findings. Additionally, due to Respondent's failure to appear at the administrative hearing, the undersigned Hearing Officer finds, pursuant to 11 N.C.A.C. 1.0423(a)(1), that the allegations set out in the Notice of Administrative Hearing are taken as true and are deemed to be proved without the need of further evidence. The allegations set out in the Notice of Administrative Hearing are incorporated by reference as if set forth herein.

### 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. Respondent was timely and properly served with the Notice of Administrative Hearing.
3. Respondent violated N.C. Gen. Stat. § 58-33-32(k) by failing to notify Department of the administrative actions taken against his insurance licenses by the Utah Department of Insurance and the Delaware Department of Insurance within thirty (30) days of the dates of those administrative actions. These violations of N.C. Gen. Stat. § 58-33-32(k) are violations of the insurance laws of North Carolina for which his license may be revoked pursuant to N.C. Gen. Stat. § 58-33-46(a)(2).
4. Respondent's violations of the insurance laws of Utah and Delaware as set forth above are additional grounds for which is license may be revoked pursuant to N.C. Gen. Stat. § 58-33-46(a)(2).


5. Respondent's license should be revoked.

Based on the foregoing Finding of Facts and Conclusions of Law, the Hearing Officer enters the following:

**ORDER**

It is ordered that the non-resident producer license of Respondent Shanis McClellan is hereby revoked.

This the 31<sup>st</sup> day of May, 2016.

  
Stewart Johnson, Hearing Officer  
North Carolina Department of Insurance  
1201 Mail Service Center  
Raleigh, North Carolina 27699-1201

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that I have this day served the foregoing ORDER by certified mail, return receipt requested, first class postage prepaid, addressed as follows:

Shanis McClellan  
13625 Mill Town Drive  
Frisco, TX 75033-0410

This 15<sup>th</sup> day of June, 2016.

ROY COOPER  
ATTORNEY GENERAL



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