

**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
MARK SEBASTIAN MITCHELL**

**ORDER AND FINAL AGENCY
DECISION
Docket Number: 1747**

THIS CAUSE came on to be heard on December 3, 2015 before the undersigned hearing officer, as designated by the North Carolina Commissioner of Insurance (“NC Commissioner”) pursuant to N.C. Gen. Stat. § 58-2-55.

A Notice of Administrative Hearing advising Respondent Mark Sebastian Mitchell (“Respondent”) of the time, date and place of the hearing was duly issued and served on Respondent at the last address he listed with the Agent Services Division of the North Carolina Department of Insurance (“Agent Services”), as well as at two alternative addresses Agent Services located for Respondent. On October 14, 2015, the Notice of Administrative Hearing was received and signed for at each of these three addresses. Additionally, the Department served the Notice of Administrative Hearing on Respondent via First Class U.S. Mail pursuant to N.C. Gen. Stat. §§ 58-2-69(d) and (e). Respondent failed to appear at the hearing.

Representatives of the Department’s Agent Services Division were present, and Agent Services was represented by Terence D. Friedman, Assistant Attorney General.

After careful consideration and based on the record as a whole, the hearing officer hereby makes the following:

FINDINGS OF FACT

1. Respondent's North Carolina non-resident insurance producer license ("License") has been active since 2013.
2. On November 11, 2013, the Wisconsin Office of the Commissioner of Insurance denied Respondent's application for a non-resident agent license ("Wisconsin Action"). Respondent did not report the Wisconsin Action to the NC Commissioner within 30 days of the disposition of the Action.
3. On December 9, 2013, the South Dakota Department of Labor and Regulation denied Respondent's application for a non-resident producer license ("South Dakota Action"). Respondent did not report the South Dakota Action to the NC Commissioner within 30 days of the disposition of the Action.
4. On April 21, 2014, the Louisiana Department of Insurance levied a \$250 fine against Respondent with regard to his non-resident producer license ("Louisiana Action"). Respondent did not report the Louisiana Action to the NC Commissioner within 30 days of the disposition of the Action.
5. On May 27, 2014, Agent Services informed Respondent in writing that: (a) he had failed to report the Wisconsin, South Dakota and Louisiana Actions to the NC Commissioner; and (b) Respondent's License was therefore subject to revocation by the Department.
6. On September 17, 2014, the Iowa Division of Insurance revoked Respondent's non-resident producer license and entered a cease-and-desist order and \$1,000

- fine against Respondent (“Iowa Action”). Respondent did not report the Iowa Action to the NC Commissioner within 30 days of the disposition of the Action.
7. Effective October 26, 2014, the California Department of Insurance revoked Respondent’s non-resident agent license (“California Action”). Respondent did not report the California Action to the NC Commissioner within 30 days of the disposition of the Action.
 8. On November 4, 2014, the Arkansas Insurance Department suspended Respondent’s non-resident producer license (“Arkansas Action”). Respondent did not report the Arkansas Action to the NC Commissioner within 30 days of the disposition of the Action.
 9. On December 16, 2014, the Kansas Insurance Department revoked Respondent’s non-resident producer license and fined him \$1,000 (“Kansas Action”). Respondent did not report the Kansas Action to the NC Commissioner within 30 days of the disposition of the Action.
 10. On January 9, 2015, the Delaware Department of Insurance revoked Respondent’s non-resident producer license (“Delaware Action”). Respondent did not report the Delaware Action to the NC Commissioner within 30 days of the disposition of the Action.
 11. On January 26, 2015, the Office of the Insurance Commissioner of the State of Washington revoked Respondent’s non-resident producer license (“Washington Action”). Respondent did not report the Washington Action to the NC Commissioner within 30 days of the disposition of the Action.

12. On June 2, 2015, the North Dakota Insurance Department revoked Respondent's non-resident producer license ("North Dakota Action"). Respondent did not report the North Dakota Action to the NC Commissioner within 30 days of the disposition of the Action.
13. On July 24, 2015, the Maine Bureau of Insurance revoked Respondent's Maine non-resident producer license ("Maine Action"). Respondent did not report the Maine Action to the NC Commissioner within 30 days of the disposition of the Action.

BASED UPON the foregoing Findings of Fact, the undersigned Hearing Officer makes the following:

CONCLUSIONS OF LAW

1. This matter is properly before the NC Commissioner, and he has jurisdiction over the parties and the subject matter.
2. Proper notice to Respondent has been given in this matter.
3. N. C. Gen. Stat. § 58-33-32(k) requires an insurance producer to report to the NC Commissioner "any administrative action" taken against the producer in another state "within 30 days after the final disposition of the matter," including by sending a "copy of the order or consent order and any other information filed in the proceeding necessary to describe the action."
4. The Wisconsin, South Dakota, North Dakota, Maine, Washington, Delaware, California, Iowa, Louisiana, Arkansas and Kansas Actions are administrative actions taken against Respondent within the meaning of N.C. Gen. Stat. § 58-33-32(k).

5. Pursuant to N. C. Gen. Stat. § 58-33-46(a)(2), one of the causes for which the NC Commissioner may revoke a license is for violating the insurance law of North Carolina.

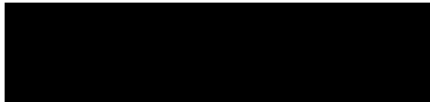
6. Respondent violated the insurance law of North Carolina within the meaning of N.C. Gen. Stat. § 58-33-46(a)(2) by failing to report the Wisconsin, South Dakota, North Dakota, Maine, Washington, Delaware, California, Iowa, Louisiana, Arkansas and Kansas Actions to the NC Commissioner within 30 days of the respective disposition dates of each Action, as required by N.C. Gen. Stat. § 58-33-32(k).

7. Respondent's license should be revoked pursuant to 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 license as a non-resident insurance producer is hereby revoked.

This 31st day of December, 2015.



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

APPEAL RIGHTS

This Order may be appealed to Superior Court within 30 days of receipt of the same as set out in Chapter 150B of the North Carolina General Statutes.

CERTIFICATE OF SERVICE

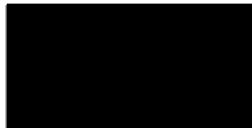
I HEREBY CERTIFY that I have this day served a copy of the foregoing document by delivering a copy of the same via certified U.S. mail, return receipt requested, in a postage prepaid enveloped addressed as follows:

Mark Sebastian Mitchell
2571-A Coral Way E.
Daytona Beach, FL 32118-5517

Mark Sebastian Mitchell
1370 S. Babcock St.
Melbourne, FL 32901-3009

Mark Sebastian Mitchell
4511 NW 175th St
Opa Locka, FL 33055

This 4th day of January, 2016.



Terence D. Friedman
Assistant Attorney General
N.C. State Bar Number 25088
N. C. Department of Justice
P.O. Box 629
Raleigh, NC 27602-0629
(919) 716-6610
tfriedman@ncdoj.gov