

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
ERIC OSTER, JR.
(NPN # 16546338)

Respondent.

ORDER AND
FINAL AGENCY DECISION

Docket Number: 2094

This matter was heard on Monday, October 10, 2022, 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 (hereinafter "Department"), Agent Services Division (hereinafter "Petitioner" or "ASD"). Respondent Eric Oster, Jr. (hereinafter, "Respondent") did not appear.

Lisa Webb, Complaint Analyst with the Agent Services Division (ASD) of the North Carolina Department of Insurance, testified for the Petitioner. Petitioner introduced Exhibits 1-10 into evidence. Counsel for Petitioner moved to amend the Petition to correct the Respondent's lines of authority from Property and Casualty to Life and Accident and Health or Sickness and Medicare Supplement Long Term Care, which was granted by the undersigned hearing officer.

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 N.C. Gen. Stat. § 58-2-69(b) and Rule 4 of the North Carolina Rules of Civil Procedure.

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

3. Respondent is a resident of Florida.

4. 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, Accident and Health or Sickness, and Medicare Supplement Long Term Care National Producer Number 16546338. Respondent's North Carolina licenses were first active on or about July 14, 2018.

5. Lisa Webb, Complaint Analyst with ASD, testified that this matter came to ASD's attention through a "PIC alert" which is an automatic notification system through the NAIC ("National Association of Insurance Commissioners"). Ms. Webb explained that the information from the PIC alerts can be viewed on a "RIRS report", which is also viewed through the NAIC system.

6. The RIRS report admitted into evidence showed that Respondent subsequently received several administrative actions, including in Wisconsin (license revocation effective July 26, 2021), Kansas (license revocation effective August 30, 2021), Virginia (license revocation effective August 18, 2021), New Hampshire (license revocation effective December 16, 2021), and Oregon (license revocation effective February 15, 2022).

7. Ms. Webb testified that after ASD received a PIC alert concerning Respondent's Wisconsin and Virginia administrative actions, she was assigned to handle the file. Ms. Webb checked to see if Respondent had timely reported these actions to the Department within thirty (30) days of the effective date of that action, as is required by N.C. Gen. Stat. § 58-33-32(k). Respondent had not yet reported these administrative actions, but still had time to do so.

8. Ms. Webb first contacted Respondent at both of Respondent's email addresses on record with the Department on August 24, 2021 as well as by first class mail, and asked him to provide a written response and documentation regarding the Wisconsin and Virginia administrative actions and alerted him that he could still timely report these actions. Respondent did not respond. Ms. Webb testified that the email to one of Respondent's emails did "bounce back", but one was apparently successfully delivered, and the first class mail sent to him was not returned. Respondent did not respond to Ms. Webb's correspondence, and did not report these administrative actions.

9. Ms. Webb sent Respondent another email and first class mail on September 13, 2021, again requesting a response regarding the Wisconsin and Virginia administrative actions, as well as the Kansas administrative action, and noting that Respondent needed to respond within ten (10) days. Ms. Webb notified Respondent that he could still timely report the Kansas administrative action. Respondent did not respond and did not report these administrative actions.

10. Ms. Webb also called and left a voicemail at Respondent's primary residential phone number on September 13, 2021 and left him a voicemail requesting a call back. On September 14, 2022, Respondent called Ms. Webb and provided an updated email address.

11. On September 16, 2021, Ms. Webb sent Respondent an informal conference notice by email and by regular mail, scheduling an informal conference by phone conference for October 20, 2022. Ms. Webb also called and emailed a reminder to Respondent about this informal conference on October 19, 2022.

12. On October 19, 2021, Respondent, Ms. Webb, and Ms. Webb's supervisor, Joe Wall, participated in an informal conference. During the informal conference, ASD offered Respondent the opportunity to resolve the matter via a voluntary settlement agreement ("VSA"), or noted that he could also surrender his license, or go to an administrative hearing. Ms. Webb sent Respondent a follow-up email also stating these options to Respondent that same day. Respondent was given until November 3, 2021 to respond to ASD regarding whether he wanted to enter into a VSA, surrender his license, or go to a hearing.

13. On November 1, 2021, Ms. Webb sent Respondent a reminder that he needed to notify ASD of his decision by November 3, 2021. Respondent never responded.

14. Copies of the administrative actions from the states referenced in the informal conference notice sent to Respondent on September 16, 2021, were admitted into evidence. These included copies of the administrative actions from Wisconsin (license revocation effective July 26, 2021), Kansas (license revocation effective August 30, 2021), Virginia (license revocation effective August 18, 2021). All three of these revocations were due to Respondent not paying licensing fees and not responding to the licensing entities. Ms. Webb testified that Respondent was required to report all of these administrative actions within thirty days pursuant to N.C. Gen. Stat. § 58-33-32(k), and that none of these actions had ever been reported.

15. Petitioner requested that Respondent's licenses be revoked pursuant to N.C. Gen. Stat. §§ 58-33-32(k) and 58-33-46(a)(2), noting that Respondent had not responded to ASD's two requests for information, even though he was given notice

and opportunity to timely report those administrative actions, and further that Respondent never responded to ASD's offer of a VSA or license surrender.

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

4. Respondent was required to report the administrative actions in Wisconsin (license revocation effective July 26, 2021), Kansas (license revocation effective August 30, 2021), and Virginia (license revocation effective August 18, 2021,) within thirty (30) days of the effective dates of those actions pursuant to N.C. Gen. Stat. § 58-33-32(k). Respondent failed to timely report these administrative actions.

5. Respondent's failure to report the administrative actions against his Wisconsin, Kansas, 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).

6. N.C. Gen. Stat. § 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 license is subject to suspension or revocation under N.C. Gen. Stat. § 58-33-46(a)(2) for his failure to report the Wisconsin, Kansas, and Virginia administrative actions to the Department in violation of N.C. Gen. Stat. § 58-33-32(k).

7. Respondent did not timely respond to ASD's requests for information, and did not respond to ASD's offer to resolve his violations without an administrative hearing. Respondent did not appear at this Hearing. Respondent has not shown an interest in retaining his North Carolina insurance 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 3rd 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 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:

Eric Oster, Jr.
1946 Fittin Ct.
Lantana, FL 33461
(Respondent)

Certified Mail Tracking Number: 7020 0640 0000 3185 8040

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 January, 2023.



Kimberly W. Pearce, NCCP
Paralegal
N.C. Department of Insurance
1201 Mail Service Center
Raleigh, NC 27699-1201