

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
SAMUEL RICHMOND
NPN #169599847

Respondent.

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)
) ORDER AND
) FINAL AGENCY DECISION

) Docket Number: 2020
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This matter was heard on Thursday, February 4, 2021, by the undersigned Hearing Officer, as designated by the Commissioner of Insurance pursuant to North Carolina General Statutes §§ 58-2-70, 58-33-32, 58-33-46, 150B-38, 150B-40 and 11 N.C.A.C. 1.0401 *et seq.* and other applicable statutes and regulations. Petitioner, the North Carolina Department of Insurance [“the Department”], was represented by Assistant Attorney General Anne Goco Kirby. Respondent Samuel Richmond (hereinafter, “Respondent”) did not appear. The administrative hearing was held in the Albemarle Building, located at 325 North Salisbury Street, Raleigh, Wake County, North Carolina.

Bethany Davenport, a Complaint Analyst with the Department’s Agent Services Division, appeared and testified for the Department.

Based on the allegations set forth in the Notice of Hearing, the attached Petition and Affidavit of Service in this matter, the testimony of Bethany Davenport, and the documentary exhibits presented 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 and attached Exhibit A (Petition for Administrative Hearing) was properly served on Petitioner by first class mail to the Respondent at the residential address of record which Respondent has had on file pursuant to N.C. Gen. Stat. § 58-2-69(d).

2. At all relevant times herein, Respondent held a Non-Resident Producer license with lines of authority in Accident & Health or Sickness and Life agent's License. Respondent's National Producer License Number (NPN) is 169599847.

3. On July 1, 2020, the Kansas Commissioner of Insurance entered a Summary Order against Respondent that revoked Respondent's agent license effective July 24, 2020 for violating Kansas insurance law by failing to pay his insurance license fees and demonstrating financial irresponsibility in the conduct of business.

4. N.C. Gen. Stat. § 58-33-32(k) provides that "A producer shall report to the Commissioner any administrative action taken against the producer in another state . . . within 30 days after the final disposition of the matter This report shall include a copy of the order or consent order and other information or documents filed in the proceeding necessary to describe the action."

5. Respondent failed to notify the Commissioner of the administrative action taken by Kansas within thirty (30) days of final disposition of Kansas's action, as required by N.C. Gen. Stat. § 58-33-32(k).

6. By e-mail to Respondent dated August 7, 2020, Bethany Davenport, an Investigator with the Agent Services Division of the North Carolina Department of Insurance, informed Respondent that the Department had received information about the Kansas regulatory action and requested that Respondent provide the Department with a written response and any documentation regarding the Kansas regulatory action within 10 days of receipt of the e-mail. Ms. Davenport never received a response to her August 7, 2020 e-mail.

7. Ms. Davenport obtained a copy of the Kansas order revoking Respondent's license. The order found that the check Respondent submitted for his license fee was returned unpaid and that Respondent failed to respond to the Department's correspondence regarding the unpaid fee. The Kansas Commissioner revoked Respondent's license on grounds that Respondent: (1) demonstrated financial irresponsibility in the conduct of business in that State by not paying his application fee and (2) demonstrated untrustworthiness by not responding to staff requests for response.

8. The Department scheduled an informal conference with the Respondent for October 12, 2020 to discuss Respondent's violation of N.C. Gen. Stat. § 58-33-32(k) by failing to report the Kansas action. The Department notified Respondent of the date and time of the informal conference by e-mail on September 14, 2020 and informed him that the Department would call him on that date and time. Respondent did not answer when the Department called Respondent for the conference on October 12, 2020 and did not return the voicemail messages that the

Department left for him. The Department thus rescheduled the conference for November 13, 2020 and sent an e-mail to Respondent on October 12, 2020 notifying him of the new date and time of the conference. Respondent did not answer his phone when the Department called him again of November 13, 2020 for the scheduled conference and did not return the Department's voicemail messages left that date.

9. The 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 Respondent.

3. Respondent failed to report the Kansas administrative action against his insurance license within thirty (30) days of the effective date of that action in violation of N.C. Gen. Stat. § 58-33-32(k).

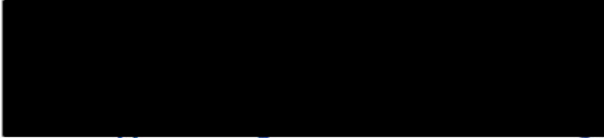
4. N.C. Gen. Stat. § 58-33-46(a)(2) allows the Commissioner to suspend, revoke, or refuse to renew any license issued under this Article for violating any insurance law of this or any other State. Respondent's license is subject to suspension or revocation under N.C. Gen. Stat. § 58-33-46(a)(2) for failing to report the Kansas administrative action to the Department in violation of N.C. Gen. Stat. § 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 18th day of February, 2021.



Robert D. Croom
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 addresses 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:

Samuel Richmond
350 N. State Highway 360 Apt. 10101
Mansfield, TX 76063-2546
(Respondent)

Certified Mail Tracking #: 70200640000031855759

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

This the 18th day of February, 2021.



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