

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)
GARY SINGLETARY)
(NPN # 11760713))

FINAL AGENCY DECISION
AND ORDER

Respondent.)

Docket Number: 2044)

This matter was heard on July 27, 2021, by the undersigned Hearing Officer, as designated by the Commissioner of Insurance pursuant to North Carolina General Statutes §§ 58-2-70, 58-2-162, 58-2-185, 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 Gary Singletary (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. Assistant Attorney General Anne Goco Kirby represented the North Carolina Department of Insurance, Agent Services Division (hereinafter “Petitioner” or “ASD”).

Due to Petitioner’s failure to appear at the hearing, pursuant to 11 NCAC 01.0423(a)(1), the allegations of the Notice of Hearing and the attached Petition for Administrative Hearing are taken as true and deemed to be proved without further evidence.

Based on the allegations set forth in the Notice of Hearing, the Petition for Administrative Hearing, and the Affidavit of Service, 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(d).

2. At all times referenced herein, Respondent held a Non-Resident Producer License with authority to for Life and Accident & Health or Sickness lines of insurance and a Medicare Supplement Long-Term Care insurance license issued by the Department. Respondent’s National Producer License Number (NPN) is 11760713.

3. On November 17, 2019, the California Department of Insurance entered an order revoking Respondent's license for failing to respond to the Department's inquiries and for his criminal record. On April 10, 2020, the Washington Department of Insurance revoked the Respondent's license for failure to respond to the Department's inquiries, other State's action, and failure to report other State action. Respondent failed to notify the Commissioner of the administrative action taken by California within thirty (30) days of final disposition of the action, as required by N.C. Gen. Stat. § 58-33-32(k).

4. The Agent Services Division opened an enforcement case against the Respondent after learning of the California action that Respondent failed to report. During a May 6, 2020 informal conference with Respondent, Agent Services reminded the Respondent of his duty to report administrative actions and requested that Respondent upload the California and Washington orders to the National Insurance Producer Reporting database. After Respondent agreed to do this, Agent Services informed Respondent that it would issue a written warning to him for violating N.C. Gen. Stat. § 58-33-32(k). Thus, on May 6, 2020, Agent Services issued a written warning to Respondent for violating N.C. Gen. Stat. § 58-33-32(k).

5. On May 14, 2020, the Louisiana Department of Insurance issued an order revoking Respondent's license for having failed to report the California administrative action. Notwithstanding the written warning that Agent Services previously issued to Respondent, Respondent once again failed to notify the Commissioner of the administrative action within thirty (30) days of final disposition of that action, as required by N.C. Gen. Stat. § 58-33-32(k).

6. On August 21, 2020, and again on September 8, 2020, the Department sent an e-mail to the Respondent informing him that the Department was aware of the Louisiana administrative action and requesting that the Respondent provide documentation and an explanation of that action within ten days of receipt of the e-mail. Respondent failed to reply to either e-mail and never provided the requested response and documentation to the Department.

7. On November 17, 2020, the Department held an informal conference with the Respondent to discuss his most recent violation of N.C. Gen. Stat. § 58-33-32(k). Following the conference, the Department offered to resolve the most recent violation of N.C. Gen. Stat. § 58-33-32(k) through a Voluntary Settlement Agreement and a penalty. Respondent accepted the Department's offer and the Department sent a written Voluntary Settlement Agreement to the Respondent with instructions to sign and return the agreement, along with the penalty, to the Department on or before January 15, 2021. Respondent never returned the agreement and penalty.

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. N.C. Gen. Stat. § 58-33-32(k) requires a producer to report to the Commissioner any administrative action taken against the producer in another state within 30 days after the final

disposition of the matter. The report “shall include a copy of the order or consent order and other information or documents filed in the proceeding necessary to describe the actions.”

3. N.C. Gen. Stat. § 58-33-46(a)(2) states that the Commissioner may place on probation, suspend, or revoke the license of a licensee that has violated any insurance law of this or any other state, violated any administrative rule, subpoena, or order of the Commissioner or of another state’s insurance regulator, or violated any rule of FINRA.

4. Respondent’s non-resident agent’s license should be suspended or revoked pursuant to N.C. Gen. Stat. § 58-33-46(a)(2) based upon his violation of N.C. Gen. Stat. § 58-33-32(k) by his failure to report the administrative actions taken by Louisiana within 30 days after final disposition of Louisiana’s action and based upon his violation of Louisiana’s insurance laws and regulations.

5. N.C. Gen. Stat. § 58-33-46(a)(9) states that the Commissioner may place on probation, suspend, or revoke the license of a licensee for “[h]aving an insurance producer license, or its equivalent, denied, suspended, or revoked in any other jurisdiction for reasons substantially similar to those listed in this subsection.”

6. Respondent’s non-resident agent’s license is subject to suspension or revocation pursuant to N.C. Gen. Stat. § 58-33-46(a)(9) based upon his Louisiana license being revoked for reasons substantially similar to those listed in N.C. Gen. Stat. § 58-33-46(a).

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

ORDER

It is ordered that Respondent’s license issued by the North Carolina Department of Insurance is hereby REVOKED effective as of the date of the signing of this order.

This the 27th day of July, 2021.



Sherril Hubbard
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:

Gary Singletary
234 East Live Oak Circle
Thomasville, GA 31792
(Respondent)

Certified Mail Tracking #: 70200640000031856695

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 27th day of July, 2021.


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