

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)
JESSICA STRONG-BARKER)
NPN #18907972)

Respondent.)

ORDER AND
FINAL AGENCY DECISION

Docket Number: 2019

This matter was heard on Thursday, January 28, 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 Jessica Strong-Barker (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.

Jennifer Collins, an Investigator 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 Jennifer Collins, 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 mailing it via federal express, direct signature required, 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. The Department has the authority and responsibility for the enforcement of insurance laws. Respondent held a Non-Resident Producer License and Medicare Long Term Supplement Licenses issued by the Commissioner. Respondent's National Producer License Number (NPN) is 18907972.

3. On November 21, 2019, the Florida Department of Financial Services denied Respondent's application for a non-resident health agent license due to Respondent's prior felony conviction.

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 Florida within thirty (30) days of final disposition of that action, as required by N.C. Gen. Stat. § 58-33-32(k).

6. By e-mail to Respondent dated January 7, 2020, Jennifer Collins, an investigator with the Agent Services Division of the North Carolina Department of Insurance ["the Department"], informed Respondent that the Department had received information about the Florida regulatory action and requested that Respondent provide the Department with a written response and any documentation regarding the Florida regulatory action within 10 days of receipt of the e-mail.

7. After receiving Ms. Collins' e-mail, Respondent called Ms. Collins regarding her request. During that call, Respondent asserted that Florida had not denied her license application and informed Ms. Collins that her agency's licensing department would be in contact with her regarding the requested documentation.

8. On April 20, 2020, Ms. Collins e-mailed Respondent's licensing department to inform them that she had spoken with Respondent on March 23, 2020 regarding administrative action taken by the state of Florida, that Respondent had not provided the Department with a copy of the Florida action, and asked if the department had a copy of the action. Ms. Collins never received a response to her April 20, 2020 e-mail.

9. Ms. Collins obtained a copy of the Florida administrative action which did indicate that Florida had in fact denied her license application due to a prior felony conviction. The Department scheduled an informal conference with the Respondent for June 23, 2020 in order to discuss her violation of N.C. Gen. Stat. § 58-33-32(k) by failing to report the Florida action. The Department notified Respondent of the date and time of the informal conference by e-mail on May 8, 2020 and informed

her that the Department would call her on that date and time. Respondent did not answer when the Department called Respondent for the conference on June 23, 2020 and did not return the voicemail message that was left for her. The Department thus rescheduled the conference for July 31, 2020 and sent an e-mail to Respondent on June 23, 2020 notifying her of the new date and time of the conference. Respondent did not answer her phone when the Department called her again on July 31, 2020 for the scheduled conference.

10. 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 Florida 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 Florida administrative action to the Department in violation of N.C.G.S. § 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 11th day of February, 2021.



A. John Hoomani
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:

Jessica Strong-Barker
10092 W. Seabreeze Ave.
Mountain Home, ID 83647-5049
(Respondent)

Certified Mail Tracking #: 70200640000031855704

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 14th day of February, 2021.


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