

NORTH CAROLINA DEPARTMENT OF INSURANCE
RALEIGH, NORTH CAROLINA

STATE OF NORTH CAROLINA)	BEFORE THE
COUNTY OF WAKE)	COMMISSIONER OF INSURANCE
)	
)	
IN THE MATTER OF:)	ORDER AND
)	FINAL AGENCY DECISION
THE LICENSURE OF)	
RONNY SULIMANI)	Docket Number: 1999
(NPN #14386958))	
)	
)	
Respondent.)	
)	

This matter was heard on Tuesday, September 15, 2020, 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, 58-33-30, 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”) Agent Services Division (“Petitioner” or “ASD”), was represented by Assistant Attorney General Anne Goco Kirby.

Respondent Ronny Sulimani (“Respondent”) did not appear.

The administrative hearing was held in the Albemarle Building, located at 325 North Salisbury Street, Raleigh, Wake County, North Carolina.

Jeffrey Miller, Complaint Analyst for the Department’s Agent Services Division, appeared and testified for the Department.

BASED UPON careful consideration of the evidence and arguments presented, and based upon the entire record in the proceeding, the Hearing Officer hereby makes the following Findings of Fact and Conclusions of Law:

FINDINGS OF FACT

1. NCDOI is a state agency responsible, in accordance with Chapter 58 of the North Carolina General Statutes, for enforcement of the insurance laws of North Carolina and for regulating and licensing insurance agents.

2. Pursuant to N.C. Gen. Stat. § 58-2-69, Respondent has listed with the NCDOI residential and business addresses.

3. Respondent holds a Non-Resident Producer License with lines of authority in Accident & Health or Sickness, Variable Life & Variable Annuity, and Life, and a Non-Resident Medicare Supplement Long-Term Care License. Respondent's National Producer License Number (NPN) is 14386958.

4. N.C. Gen. Stat. § 58-2-69(b) requires, in pertinent part, that all licensees inform the Commissioner of the applicant's residential address and e-mail address and to give written notification to the Commissioner of any change of the licensee's residential or e-mail address within 10 business days after the licensee moves into the licensee's new residence or obtains a different e-mail address.

5. N.C. Gen. Stat. § 58-2-69(d) provides that "[n]otwithstanding any other provision of law, whenever the commissioner is authorized or required to give any notice under this Chapter to a licensee, the notice may be given personally or by sending the notice by first-class mail to the licensee at the address that the licensee has provided to the Commissioner under subsection (b) of this subsection."

6. The Notice of Administrative Hearing and attached Exhibit A (Petition for Administrative Hearing) was properly served on Petitioner by mailing it 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).

7. Respondent is a resident of the State of Georgia.

8. N.C. Gen. Stat. § 58-33-32(k) provides:

A producer shall report to the Commissioner any administrative action taken against the producer in another state or by another governmental agency in this State within 30 days after the final disposition of the matter. As used in this subsection, "administrative action" includes enforcement action taken against the producer by the FINRA. 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.

9. On December 7, 2018, Respondent entered a plea of guilty to a single count of misdemeanor criminal trespass in the matter *State vs. Ronny Nathaniel Sulimani* (Criminal Action No. 18-9-1218-40, Superior Court of Cobb County, State of Georgia)(the "Georgia Criminal Action").

10. On December 7, 2019, Respondent was sentenced to probation with special conditions for twelve (12) months and directed to pay restitution in the sum of \$7,000 (Seven Thousand) Dollars and court costs.

11. Respondent failed to notify the Commissioner of the conviction against him in the Georgia Criminal Action within ten (10) days of final disposition, as required by N.C. Gen. Stat. § 58-2-69(c).

12. On June 26, 2019, the Office of the Commissioner of Insurance for the State of Georgia entered a Consent Order against Respondent renewing Respondent's resident producer license on a probationary status, based upon the Georgia Criminal Action, for a period of twelve (12) months, effective as of June 26, 2019.

13. By its terms, the Georgia Consent Order stated that it constituted a reportable administrative action.

14. Respondent failed to notify the Commissioner of the Georgia Administrative Action within thirty (30) days of final disposition, as required by N.C. Gen. Stat. § 58-33-32(k).

15. Petitioner requested that Respondent's license be revoked pursuant to N.C. Gen. Stat. §§ 58-2-69(c), 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's failure to report the criminal action against him within 10 days of the conviction is a violation of N.C.G.S. § 58-2-69(c).

4. Respondent's failure to report the administrative action against his insurance license in Georgia within thirty (30) days of the effective date of that action is a violation of N.C. G.S. § 58-33-32(k).

5. N.C.G.S. § 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 licenses are subject to suspension or

revocation under N.C.G.S. § 58-33-46(a)(2) for failing to report the Georgia conviction and Georgia administrative action to the Department in violation of N.C.G.S. § 58-2-69(c) and 58-33-32(k), respectively.

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 29th day of September, 2020.



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 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:

Ronny Nathaniel Sulimani
1744 Millhouse Run
Marietta, GA 30066-8012
(Respondent)

Certified Mail Tracking #: 70191120000089734916

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 29th day of September, 2020.


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