

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	)	
NOEL THOMAS	)	
NPN # 15820799	)	Docket Number: 1953
	)	
Respondent.	)	
	)	

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This matter was heard on Thursday, November 14, 2019, 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 Lem represented the North Carolina Department of Insurance, Agent Services Division (hereinafter "Petitioner" or "ASD"). Respondent Noel Thomas (hereinafter, "Respondent") did not appear.

At the hearing, Petitioner made a motion to amend the Petition attached to the Notice of Hearing to strike Allegation 3 (p. 2) and Disciplinary Allegation 1 (p. 2), which was granted.

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

Based on the allegations set forth in the Notice of Hearing in this matter, 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 Respondent by certified U.S. mail and first-class U.S. mail pursuant to N.C. Gen. Stat. §58-2-69(d).
2. The Notice of Administrative Hearing and attached Petition (as amended) and the Affidavit of Service were admitted into evidence as administrative exhibits.
3. Respondent is a resident of Palm Bay, 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 nonresident producer licenses in the areas of Accident and Health or Sickness and Life, as well as a Medicare Supplement Long Term Care. Respondent was first licensed for Accident and Health or Sickness on or about October 4, 2013; Life on or about November 13, 2014, and Medicare Supplement Long Term Care on or about October 28, 2013.
5. On or about November 3, 2017 the Indiana Department of Insurance denied Respondent's October 10, 2017 license application due to numerous prior administrative proceedings that were not disclosed on his license application.
6. Respondent did not report the November 3, 2017 Indiana administrative action to the Department within thirty (30) days.
7. On or about March 19, 2018 the South Dakota Department of Insurance denied Respondent's October 10, 2017 license application for (1) failure to disclose prior criminal convictions, and (2) failure to provide documentation regarding administrative proceedings disclosed on his license application.
8. Respondent did not report the March 19, 2018 South Dakota Department of Insurance administrative action to the Department within thirty (30) days.
9. On or about April 11, 2018 the Washington Department of Insurance revoked Respondent's license for failure to disclose prior administrative proceedings disclosed on his license application.
10. Respondent did not report the April 11, 2018 Washington administrative action to the Department within thirty (30) days.



11. On or about November 1, 2018 the California Department of Insurance revoked Respondent's insurance producer license for his failure to timely report other states' administrative actions and due to the underlying misconduct by Respondent that led to other states' administrative actions.
12. Respondent did not report the November 1, 2018 California administrative action to the Department within thirty (30) days.

### 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 pursuant to N.C. Gen. Stat. §58-2-69(d).
3. Pursuant to 11 NCAC 01.0423(a)(1), as sanction for Respondent's failure to appear at the hearing, the allegations of the Notice of Hearing may be taken as true or deemed to be proved without further evidence.
4. Respondent's failure to report the November 3, 2017 Indiana administrative action to the Department within thirty (30) days is a violation of N.C. Gen. Stat. 58-33-32(k).
5. Respondent's failure to report the March 19, 2018 South Dakota administrative action to the Department within thirty (30) days is a violation of N.C. Gen. Stat. 58-33-32(k).
6. Respondent's failure to report the April 11, 2018 Washington administrative action to the Department within thirty (30) days is a violation of N.C. Gen. Stat. 58-33-32(k).
7. Respondent's failure to report the November 1, 2018 California administrative action to the Department within thirty (30) days is a violation of N.C. Gen. Stat. 58-33-32(k).
8. 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 Indiana and South Dakota administrative actions 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 18th day of November, 2019.



Meghan Cook, Hearing Officer  
N.C. Department of Insurance  
1201 Mail Service Center  
Raleigh, NC 27699-1201

## 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 a certified U.S. Postal Service mail, return receipt requested, and first-class postage prepaid, addressed as follows:

Noel Thomas  
1768 Delaware Street NW  
Palm Bay, FL 32907-7051

**Certified Mail Tracking Number: 70191120000089734190**

I HEREBY CERTIFY that on this day I have served a copy of the foregoing Order and Final Agency Decision by via State Courier, addressed as follows:

Rebecca Lem  
Assistant Attorney General  
N.C. Department of Justice  
Insurance Section  
9001 Mail Service Center  
Raleigh, NC 27699-9001

This the 18<sup>th</sup> day of November, 2019.



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