

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)
TANYA THOMAS)
(NPN #8534168))
)
Respondent.)

ORDER AND FINAL
AGENCY DECISION

Docket Number: 2104

THIS MATTER came on for hearing on Tuesday, December 20, 2022, in Hearing Room #131 of the Albemarle Building, 325 North Salisbury Street, Raleigh, North Carolina, before the undersigned Hearing Officer, as designated by the North Carolina Commissioner of Insurance ("Commissioner") pursuant to N.C. Gen. Stat. § 58-2055.

Petitioner, the Agent Services Division of the North Carolina Department of Insurance ("Petitioner" or "Agent Services"), was represented by Assistant Attorney General Anne Goco Kirby. Respondent Tanya Thomas ("Respondent") did not appear.

Petitioner's Exhibits 1 through 16 were admitted into evidence.

Carisa Ransome, Complaint Analyst for the Department's Agent Services Division, appeared and testified for the Department.

Based upon the careful consideration of the evidence and arguments at the presented at the hearing and the entire record in the proceeding, the undersigned makes the following Findings of Fact and Conclusions of Law:

FINDINGS OF FACT

1. The North Carolina Department of Insurance ("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 producers.

2. Respondent has held an active non-resident adjuster's license issued by

Petitioner since 2018. Respondent's National Producer License Number (NPN) is 8534168.

3. 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 give written notification to the Commissioner of any change of the licensee's residential or e-mail address within ten business days after the licensee moves into the licensee's new residence or obtains a different e-mail address.

4. 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.

5. The Notice of Administrative Hearing and Petition for Administrative Hearing were properly served on Petitioner via first class mail sent to Respondent's residential address of record on file with Respondent pursuant to N.C. Gen. Stat. § 58-2-69(d). *See* Pet'r's Ex. 2.

6. The Department has the authority and responsibility for the enforcement of insurance laws of this State and for regulating and licensing insurance adjusters. Respondent holds a nonresident adjuster's license issued by the Department. Respondent's National Producer License Number (NPN) is 8534168.

5. In or around March 2022, Agent Services received an alert from the Regulatory Information Retrieval System ("RIRS") noting that the State of Florida had taken regulatory action against Respondent. *See* Pet'r's Ex. 6.

6. The RIRS report for Respondent indicated that Respondent had executed a Consent Order with the Florida Department of Financial Services effective January 20, 2022, wherein she agreed to pay an administrative penalty of \$1,500.00 for having made material misstatements on her Florida application for licensure.

7. The materials misstatements referenced in the above-mentioned Florida administrative action relate to Respondent's failure to disclose a January 11, 1991, conviction for felony Theft by Deception in the Circuit Court for Cook County, Illinois, Case No. 90112225001, in her Florida application for licensure. *See* Pet'r's Ex. 5, 7, 8, and 9.

8. Likewise, on her initial application for licensure in North Carolina submitted September 13, 2018, Respondent falsely answered "No" to question 1b of the application screening questions which asks, in part, whether the applicant has

ever been convicted of a felony. *See* Pet'r's Ex. 10.

9. Respondent repeated the false statement again in another initial application dated December 28, 2020, and in renewal applications dated March 8, 2021, and March 19, 2022, stating "No" in response to the screening question regarding felony convictions. *See id.*

10. Had Respondent had correctly answered "Yes" to question 1b, Petitioner could have denied her application for an adjuster's license pursuant to N.C.G.S. § 58-33-46(a)(6) for having been convicted of a felony.

11. Further, in her March 8, 2022, license renewal application, Respondent falsely answered "No" to the application screening question asking whether the applicant had ever been involved in an administrative action, despite her having entered into a Consent Order with the Florida Department of Financial Services in January 2022.

12. Petitioner requested that Respondent's license be revoked pursuant to N.C. Gen. Stat. §§ 58-33-46(a)(1), (3) and (6) for providing materially untrue information in her licensure application, for obtaining a license through misrepresentation or fraud, and for having been convicted of a felony, respectively.

CONCLUSIONS OF LAW

1. Respondent was properly served with the Notice of Hearing and the Department has personal and subject matter jurisdiction in this matter.

2. N.C. Gen. Stat. § 58-33-46(a)(1) provides that the Commissioner may place on probation, suspend, revoke, or refuse to renew any license issued under Article 33 of Chapter 58 of the General Statutes of North Carolina for providing materially incorrect, misleading, incomplete, or materially untrue information in the license application.

3. Respondent provided materially incorrect and untrue information on her original application for a nonresident adjuster's license dated September 13, 2018, and December 28, 2020, and on her renewal applications dated March 8, 2021, and March 19, 2022, by falsely answering "No" to question 1b, which asks whether the applicant has ever been convicted of a felony.

4. Respondent also provided materially incorrect and untrue information on her March 8, 2022, renewal application by answering "No" to a question inquiring whether she had ever been involved in an administrative action.

5. N. C. Gen. Stat. § 58-33-46(a)(3) provides that the Commissioner may place on probation, suspend, revoke, or refuse to renew any license issued under Article 33 of Chapter 58 of the General Statutes of North Carolina for obtaining or attempting to obtain a license through misrepresentation or fraud.

6. Respondent obtained her adjuster's license through misrepresentation and in that she, (a) falsely stated that she had not ever been convicted of a felony on her original applications for a nonresident adjuster's license dated September 13, 2018, and December 28, 2020, and on her renewal applications dated March 8, 2021, and March 19, 2022, and (b) falsely stated on her March 8, 2022, renewal application that she had not been involved in an administrative action.

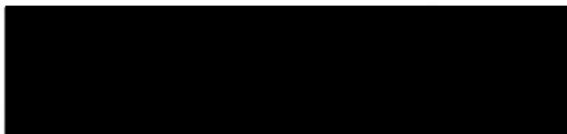
7. N.C. Gen. Stat. § 58-33-46(a)(6) provides that the Commissioner may place on probation, suspend, revoke, or refuse to renew any license issued under Article 33 of Chapter 58 of the General Statutes of North Carolina for conviction of a felony. Accordingly, Respondent's license may be revoked for her 1991 felony conviction.

8. Respondent's adjuster's license should be revoked pursuant to N.C. Gen. Stat. § 58-33-46(a)(1),(3), & (6).

ORDER

Based on the foregoing Finding of Facts and Conclusions of Law, it is ordered that Respondent's nonresident adjuster'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 18th day of January, 2023.



Erin E. Gibbs
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:

Tanya Thomas
26850 US Highway 30 E Apt 307
Aubrey, TX 76227-7942
(Respondent)

Certified Mail Tracking #: 70200640000031856763

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 19th day of January, 2023.



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