

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)
TIMISHA WIGGINS)
(NPN # 16612113))

Respondent.)

ORDER AND
FINAL AGENCY DECISION

Docket Number: 2006

This matter was heard on Wednesday, April 14, 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, 58-33-30, 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”], was represented by Assistant Attorney General Anne Goco Kirby. Respondent Timisha Wiggins (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”).

Nadine Scott, a Complaint Analyst for ASD, and Joe Wall, Complaint Section Supervisor for ASD, testified for ASD.

Based on the allegations set forth in the Notice of Hearing, the Petition for Administrative Hearing, Affidavit of Service, the testimony of the witnesses for ASD, and other documentary exhibits admitted into evidence, 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 Rule 4 of the North Carolina Rules of Civil Procedure and N.C. Gen. Stat. § 58-2-69(d).

2. Respondent holds a Non-Resident Accident & Health or Sickness License. Respondent's National Producer License Number (NPN) is 16612113. On February 5, 2014, Respondent applied for a license with the Department. In response to the application screening question which asks if the applicant has ever been convicted of a crime, Respondent falsely stated "No."

3. On April 3, 2011, in Broward County, Florida, Respondent pled no contest to one count of battery, a misdemeanor. Respondent failed to disclose the April 3, 2011 misdemeanor conviction on her February 5, 2014 application for a North Carolina nonresident producer license.

4. On August 7, 2015, the Virginia State Corporation Commission entered an order revoking Respondent's insurance agent's license for providing materially incorrect or untrue information in her license application in violation of Section 38.2-1831(1) of the Virginia Code.

5. On April 16, 2016, the Louisiana Department of Insurance ["Louisiana DOI"] issued a Notice of Fine for Respondent which required that she pay a \$100 penalty for failing to report the Virginia administrative action within thirty days.

6. On September 28, 2016, the Louisiana DOI issued a Notice to Respondent that it was suspending her producer's license pursuant to La. R.S. 22:1554(A)(13) due to Virginia's revocation of her producer's license and pursuant to La. R.S. 22:1554(A)(14) for failing to timely report the Virginia action to the Louisiana DOI and failing to pay fines imposed by the Louisiana DOI for these violations.

7. On September 4, 2019, the South Dakota Department of Labor and Regulation ["SDDL"] issued a letter to Respondent which informed her that it had denied her application for a nonresident insurance producer license on grounds that Respondent violated SDDL 58-30-167(1) by providing incorrect, misleading, incomplete, or materially untrue information in her license application. In particular, Respondent falsely answered no to the application screening question which asks whether Respondent has ever been named in and administrative action even though Respondent had been named in administrative actions in Virginia in 2015 and in Louisiana in 2016. The SDDL's denial letter also notified Respondent that it denied her license application pursuant to SDCL 58-30-167(8) for using fraudulent, coercive, or dishonest practices, or demonstrating incompetence, untrustworthiness, or financial irresponsibility in the conduct of business in South Dakota or elsewhere; and SDCL 58-30-167(9) for having her insurance producer license suspended by Louisiana and revoked by Virginia.

8. Respondent failed to notify the Commissioner of the administrative actions taken by Virginia, Louisiana, and South Dakota within thirty (30) days of final disposition of each state's action, as required by N.C. Gen. Stat. § 58-33-32(k).

9. Nadine Scott, a Complaint Analyst for ASD, testified that she was assigned to investigate administrative actions against Respondent after ASD received a report showing regulatory actions taken against Respondent by Virginia, Louisiana, and South Dakota. Since agents may report administrative actions by uploading those actions to the National Insurance Producers Registry ["NIPR"] attachment warehouse, Ms. Scott checked the NIPR attachment warehouse and determined that Respondent had uploaded the Virginia and Louisiana actions. However, those actions were not uploaded to the attachment warehouse until November 2017. Thus, Ms. Scott determined that Respondent had not timely reported those actions to the Department.

10. In the course of reviewing other documents that the Respondent had previously uploaded to the NIPR attachment warehouse, Ms. Scott discovered that Respondent had uploaded a record of her April 13, 2011 plea of not contest to a misdemeanor battery charge in Broward County, Florida. Ms. Scott then reviewed ADS's record of Respondent's 2014 North Carolina agent license application and verified that Respondent had falsely answered "No" in response to the screening question which asks whether the applicant had ever been convicted of a crime.

11. On November 12, 2019, Ms. Scott e-mailed the Respondent to notify her that ASD had received information of the unreported South Dakota action and information of her prior criminal history which she failed to disclose on her 2014 nonresident agent license application. In her e-mail, Ms. Scott requested the Respondent to provide ASD with a written response and documentation regarding these matters within 10 days.

12. Respondent failed to respond to Ms. Scott's November 12, 2019 e-mail request. Thus, Ms. Scott sent a follow up e-mail request to Respondent on November 22, 2019 and again requested that she provide a written response and documentation regarding these matters within 10 days.

13. ASD scheduled an informal conference with Respondent for January 17, 2020 at 11:30 am in order to discuss allegations against Respondent for failing to report the South Dakota administrative action, failing to timely report the Louisiana and Virginia administrative actions, and failing to disclose her criminal record on her 2014 license application. On December 10, 2019, Ms. Scott e-mailed a letter to Respondent informing her of the date and time of the conference, which was to take place by phone, and informing her of the allegations which were to be discussed during the conference.

14. Respondent did not answer the phone when ASD attempted to call her at the scheduled date and time of the conference. Thus, Ms. Scott rescheduled the informal conference and issued a second conference e-mail to the Respondent on January 31, 2020. Respondent did not answer the phone when ASD attempted to call

her on the scheduled date and time of the second informal conference.

15. Respondent failed to notify the Commissioner of the administrative actions taken by Virginia, Louisiana, and South Dakota within thirty (30) days of final disposition of each of those State's actions, as required by N.C. Gen. Stat. § 58-33-32(k).

16. Although Respondent entered a plea of no contest to misdemeanor battery in Broward County, Florida in 2019, Respondent falsely answered "No" to the North Carolina agent license application screening question which asked whether she had ever been convicted of a crime.

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.

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 her violation of N.C. Gen. Stat. § 58-33-32(k) by her failure to report the administrative actions taken by Virginia, Louisiana, and South Dakota within 30 days after final disposition of each of those actions.

5. N.C. Gen. Stat. § 58-33-46(a)(1) states that the Commissioner may place on probation, suspend, or 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.


6. Respondent's nonresident agent's license should be suspended or revoked pursuant to N.C. Gen. Stat. § 58-33-46(a)(1) based upon Respondent's false

answer to the application screening question which asks whether the applicant has ever been convicted of a crime.

ORDER

Based on the foregoing Finding of Facts and Conclusions of Law, it is ordered that Respondent's license issued by the North Carolina Department of Insurance are hereby REVOKED effective as of the date of the signing of this order.

This the 10th day of April, 2021.



A. John Hoomani, Hearing Officer
North Carolina 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:

Timisha Wiggins
9188 W. Atlantic Blvd., Apt. 1534
Coral Springs, FL 33071-5221
(Respondent)

Certified Mail Tracking #: 70200640000031856985

Timisha Wiggins
741 Wiles Rd., Apt. 306
Coral Springs, FL 33067-1860
(Respondent)

Certified Mail Tracking #: 70200640000031856978

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 April, 2021.


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