

**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 BRITTANY AULT**

**ORDER AND FINAL AGENCY
DECISION**

Docket Number: 1894

THIS MATTER was heard on June 6, 2018 by the undersigned Hearing Officer, designated by the North Carolina Commissioner of Insurance (“Commissioner”) under N.C. Gen. Stat. § 58-2-55, pursuant to a Notice of Administrative Hearing that was duly issued and served on Respondent Brittany Ault.

Ms. Ault, proceeding *pro se*, failed to appear at the hearing.

Petitioner Bail Bond Regulatory Division (“BBRD”) of the North Carolina Department of Insurance (“NCDOI”) was present at the hearing and was represented by Terence D. Friedman, Assistant Attorney General. NCDOI employee Keisha Burch testified at the hearing.

BBRD offered into evidence Petitioner’s Exhibits 1 through 10, which were admitted into evidence.

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 professional and surety bail bondsmen.
2. Ms. Ault holds a license as a surety bail bondsman.
3. Under N.C. Gen. Stat. § 58-71-80(a)(14b), in relevant part, the Commissioner may revoke a bail bondsman’s license for a violation of “any law governing bail bonding or insurance in this State.”
4. For any license issued to a licensee (including a surety bail bondsman) under

Chapter 58 of the North Carolina General Statutes, N.C. Gen. Stat. § 58-2-69(c) requires:

If a licensee is convicted in any court of competent jurisdiction for any crime or offense other than a motor vehicle infraction, the licensee shall notify the Commissioner in writing of the conviction within 10 days after the date of the conviction. As used in this subsection, 'conviction' includes an adjudication of guilt, a plea of guilty, or a plea of nolo contendere.

5. The evidence presented at the hearing established that, on or about December 9, 2016, Ms. Ault pleaded guilty to and was convicted of assault on a government official in *State v. Ault*, 16-CR-214291 (Mecklenburg Co., NC), in violation of N.C. Gen. Stat. § 14-33(c)(4) ("First Conviction").

6. The evidence presented at the hearing established that Ms. Ault did not timely report the First Conviction to the Commissioner as required by N.C. Gen. Stat. § 58-2-69(c).

7. N.C. Gen. Stat. § 58-71-80(b1) states: "The Commissioner shall revoke or refuse to renew any license under this Article if the licensee has been convicted on or after October 1, 2009 of a misdemeanor drug violation under Article 5 of Chapter 90 of the General Statutes."

8. The evidence presented at the hearing established that, on November 6, 2017, in *State v. Ault*, 16-CR-057711 (Catawba County, NC), Ms. Ault was convicted of misdemeanor simple possession of a Schedule VI controlled substance in violation of N.C. Gen. Stat. § 90-95(d)(4) and misdemeanor possession of marijuana paraphernalia in violation of N.C. Gen. Stat. § 90-113.22A ("Second Conviction").

9. N.C. Gen. Stat. § 90-95(d)(4) is contained within N.C. Gen. Ch. 90, Art. 5.

CONCLUSIONS OF LAW

1. This matter is properly before the Commissioner, and he has jurisdiction over the parties and the subject matter.

2. Ms. Ault was properly served with the Notice of Administrative Hearing in this matter.

3. Pursuant to N.C. Gen. Stat. § 58-71-80(a)(14b), in relevant part, the Commissioner may revoke a bail bondsman's license for a violation of "any law governing bail bonding or insurance in this State." By failing to timely report the First Conviction to the Commissioner, Ms. Ault violated N.C. Gen. Stat. § 58-2-69(c). The Hearing Officer finds that Ms. Ault's license should be revoked under N.C. Gen. Stat. § 58-71-80(a)(14b).

4. Pursuant to N.C. Gen. Stat. § 58-71-80(b1), the Commissioner “shall revoke or refuse to renew any license under this Article if the licensee has been convicted on or after October 1, 2009 of a misdemeanor drug violation under Article 5 of Chapter 90 of the General Statutes.” Ms. Ault’s Second Conviction was a misdemeanor drug violation under N.C. Gen. Ch. 90, Art. 5. The Hearing Officer finds that Ms. Ault’s Second Conviction requires that her license be revoked under N.C. Gen. Stat. § 58-71-80(b1).

ORDER

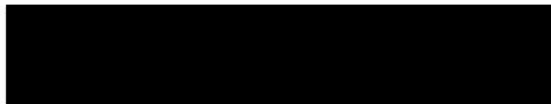
Based upon the foregoing Findings of Fact and Conclusions of Law, it is ORDERED that Ms. Ault’s surety bail bondsman’s license be revoked.

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 the 11 NCAC 1.0413 and N.C.G.S. § 1A-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 and requires service of the Petition on all parties. 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.

This nd22 day of June 2018.



Sherri L. Hubbard
Hearing Officer
N.C. Department of Insurance
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**; and 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, addressed as follows:

Brittany Ault
1780 Bradford Dr.
Morganton, NC 28655
Certified Mail Receipt Number: 70170530000073198982

Brittany Ault
51 Fairgrove Church Rd. SE
Conover, NC 28613
Certified Mail Receipt Number: 70170530000073198975

Terence D. Friedman
Assistant Attorney General
N.C. Department of Justice
Insurance Section
P.O. Box 629
Raleigh, NC 27602

This the 22nd day of June 2018.


Mary Faulkner
Paralegal
N.C. Department of Insurance
General Counsel's Office
1201 Mail Service Center
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