

NORTH CAROLINA DEPARTMENT OF INSURANCE
RALEIGH, NORTH CAROLINA

STATE OF NORTH CAROLINA)	
COUNTY OF WAKE)	BEFORE THE
)	COMMISSIONER OF INSURANCE
)	
IN THE MATTER OF:)	
)	ORDER AND
THE LICENSURE OF)	FINAL AGENCY DECISION
SAMUEL BELCHER)	
NPN # 17087046)	
)	Docket Number: 1945
Respondent.)	
)	

This matter was heard on Wednesday, June 19, 2019, by the undersigned Hearing Officer, as designated by the Commissioner of Insurance pursuant to N.C. Gen. Stat. §§ 58-2-50, 58-2-55, 58-2-70, 58-33-30, 58-33-31, 58-33-46, 150B-38, 150B-39, 150B-40 and 11 NCAC 1.0401 *et seq.* and other applicable statutes and regulations. 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 Samuel Belcher (hereinafter, "Respondent") did not appear.

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 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 pursuant to Rule 4 of the North Carolina Rules of Civil Procedure and N.C. Gen. Stat. §58-2-69(d).

2. Respondent is a resident of Simpsonville, South Carolina, and holds nonresident producer licenses in the areas of Life and Accident & Health or Sickness licenses first issued by the Department on or about February 28, 2014.

3. On or about March 24, 2017 the New York Department of Insurance entered into a "Stipulation" and issued a fine against Respondent for failure to report two criminal misdemeanor convictions from 1992 and 1997 on his license application. This stipulation is an administrative action that Respondent was required to timely report pursuant to N.C.G.S. § 58-33-32(k). Respondent failed to report this administrative action to the Department within thirty (30) days as required by N.C.G.S. § 58-33-32(k).

4. On or about June 28, 2017, the Washington Department of Insurance ("Washington DOI") revoked Respondent's licenses for failure to report an administrative matter and failure to respond to a request for information. This revocation is an administrative action that Respondent was required to timely report pursuant to N.C.G.S. § 58-33-32(k). Respondent failed to report this administrative action to the Department within thirty (30) days as required by N.C.G.S. § 58-33-32(k).

5. On or about December 26, 2017, the New Hampshire Department of Insurance ("New Hampshire DOI") denied Respondent's license renewal application for failure to disclose his misdemeanor convictions and for failure to timely report administrative actions, as well as for circumstances causing doubts about the Respondent's honesty and reliability. This denial for cause was an administrative action that Respondent is required to timely report pursuant to N.C.G.S. § 58-33-32(k). Respondent failed to report this administrative action to the Department within thirty (30) days as required by N.C.G.S. § 58-33-32(k).

6. On or about August 29, 2018, the Virginia State Corporation Commission ("Virginia Commission") revoked Respondent's licenses for failure to report and administrative matter and providing materially incorrect, misleading, incomplete or untrue information in the license application filed with the Virginia Commission. This revocation is an administrative action that Respondent was required to timely report pursuant to N.C.G.S. § 58-33-32(k). Respondent failed to report this administrative action to the Department within thirty (30) days as required by N.C.G.S. § 58-33-32(k).

CONCLUSIONS OF LAW

1. This matter is properly before the North Carolina Commissioner of Insurance (hereinafter "Commissioner"), and the Commissioner has jurisdiction over the parties and the subject matter pursuant to N. C. Gen. Stat. §§ 58-2-55, 58-33-46, 150B-38 and 150-40, as well as 11 N.C.A.C. 10401 et seq. and other applicable statutes and regulations.

2. Respondent was properly served with the Notice of Hearing in this matter.

3. Pursuant to 11 NCAC 01.0423(a)(1), as sanction for Petitioner'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 failures to timely report the administrative actions he received in New York, Washington, New Hampshire, and Virginia are violations of N.C.G.S. § 58-33-32(k), which requires such administrative actions be reported by a licensee within thirty (30) days.

5. Respondent's violations of N.C.G.S. § 58-33-32(k) for failure to report the administrative actions he received in New York, Washington, New Hampshire, and Virginia are violations of the insurance laws pursuant to N.C.G.S. § 58-33-46(a)(2) for which Respondent's license may be subject to administrative action, including revocation.

ORDER

Based upon the foregoing Findings of Fact and Conclusions of Law, it is ORDERED that the Respondent's licenses issued by the Department be REVOKED.

APPEAL RIGHTS

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 25th day of June, 2019.



Meghan Cook
Hearing Officer
N.C. Department of Insurance

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 address 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:

Samuel Belcher
104 Shalom Drive
Simpsonville, SC 29681-3894
(Respondent)

Certified Mail Tracking Number: 70170530000073199385

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

This 25th day of June, 2019.


Mary Faulkner
Paralegal
N.C. Department of Insurance
General Counsel's Office
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