

**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  
MARKAYE A. BLAKE**

**ORDER AND FINAL AGENCY  
DECISION  
Docket Number: 1809**

**THIS MATTER** was heard on November 16, 2016 by the undersigned Hearing Officer, designated by the North Carolina Commissioner of Insurance (“Commissioner”) pursuant to N.C. Gen. Stat. § 58-2-55.

An Amended Notice of Administrative Hearing advising Respondent Markaye A. Blake (“Respondent”) of the time, date and place of the hearing was duly issued and served on Respondent at the last address she listed with Petitioner Agent Services Division (“ASD”) of the North Carolina Department of Insurance (“NCDOI”). The Amended Notice of Administrative Hearing was received and signed for by Respondent at her address on October 20, 2016.

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

ASD was present at the hearing and was represented by Terence D. Friedman, Assistant Attorney General.

ASD offered into evidence Exhibits 1 through 12, which were admitted into evidence.

Any finding of fact contained in this order and final agency decision that also constitutes a conclusion of law is hereby adopted as a conclusion of law. Likewise, any conclusion of law contained in this final agency decision and order that constitutes a finding of fact is hereby adopted as a finding of fact.

After careful consideration of the evidence and arguments presented, and based on the record as a whole, the Hearing Officer hereby makes the following:

**FINDINGS OF FACT**

1. Respondent has a North Carolina resident insurance producer’s license with lines of authority for Property and Casualty (“License”). Respondent failed to appear at the hearing.

2. On or about January 30, 2007, Respondent, who was previously known as Markaye A. Fields, pleaded guilty in *State v. Fields*, 06-CR-12041 (Cabarrus Co., NC 2006) to one misdemeanor count of possession of drug paraphernalia and one misdemeanor count of simple possession of a Schedule IV controlled substance (together, "2007 Convictions").
3. In May 2009, in the course of applying for her License, Respondent was required to answer the following Licensee Background Question: "Have you ever been convicted of a crime, had a judgment withheld or deferred, or are you currently charged with committing a crime?" Respondent responded "No" to the question.
4. Additionally, on May 21, 2009, in completing the examination to obtain her License, Respondent was again required to answer the following question: "Have you ever been convicted of a crime, had a judgment withheld or deferred, or are you currently charged with committing a crime?" Respondent again responded "No" to the question.
5. On November 23, 2015, the Louisiana Department of Insurance fined Respondent \$150.00 for failing to identify her 2007 Convictions in applying for a non-resident insurance producer's license in that state ("Louisiana Action"). Respondent did not appeal the Louisiana Action, and it became final 30 days later.
6. Respondent never advised the Commissioner or otherwise advised the NCDOI of the Louisiana Action.

### **CONCLUSIONS OF LAW**

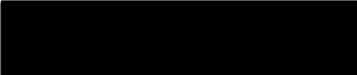
1. This matter is properly before the Commissioner, and he has jurisdiction over the parties and the subject matter.
2. Respondent was properly served with the Amended Notice of Administrative Hearing in this matter.
3. Pursuant to N.C. Gen. Stat. § 58-33-46(a)(1), one of the causes for which the Commissioner may revoke an insurance producer's license is for providing materially incorrect, misleading, incomplete or materially untrue information in his or her license application.
4. By failing to identify her 2007 Convictions in response to the Licensee Background Question and in completing her licensing examination, Respondent provided materially incorrect and materially untrue information in her license application within the meaning of N.C. Gen. Stat. § 58-33-46(a)(1). Consequently, the Hearing Officer finds that Respondent's License should be revoked under N. C. Gen. Stat. § 58-33-46(a)(1).

5. Additionally, N. C. Gen. Stat. § 58-33-32(k) requires an insurance 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,” including by sending a “copy of the order or consent order and any other information filed in the proceeding necessary to describe the action.” The Louisiana Action is an administrative action taken against Respondent within the meaning of N.C. Gen. Stat. § 58-33-32(k).
6. Pursuant to N. C. Gen. Stat. § 58-33-46(a)(2), one of the causes for which the Commissioner may revoke a license is for violating the insurance law of North Carolina. By failing to report the Louisiana Action to the Commissioner within 30 days of its final disposition, Respondent violated N.C. Gen. Stat. § 58-33-32(k), which is a North Carolina insurance law within the meaning of N. C. Gen. Stat. § 58-33-46(a)(2). Consequently, the Hearing Officer finds that Respondent’s License should be revoked under N. C. Gen. Stat. § 58-33-46(a)(2).
7. The evidence presented at the hearing, in the form of testimony and the exhibits introduced, is sufficient to support a revocation of Respondent’s license.
8. Additionally, pursuant to 11 NCAC 1.0423(a)(1), if a party fails to appear at a hearing or fails to comply with an interlocutory order of the hearing officer, the hearing officer may find that the allegations of or the issues set out in the notice of hearing or other pleading may be taken as true or deemed to be proved without further evidence. The allegations contained in the Amended Notice of Hearing are taken as true pursuant to 11 NCAC 1.0423(a)(1), and this provides additional support for the revocation of Respondent’s license.
9. The Respondent’s License should be revoked.

**ORDER**

Based upon the foregoing Findings of Fact and Conclusions of Law, it is ORDERED that Respondent’s License is hereby revoked.

This the 10<sup>th</sup> day of January, 2017.

  
\_\_\_\_\_  
Stewart Johnson, Hearing Officer  
N.C. Department of Insurance  
1201 Mail Service Center  
Raleigh, NC 27699-1201

**APPEAL RIGHTS:** This Order may be appealed to Superior Court within 30 days of receipt of the same as set out in Chapter 150B of the North Carolina General Statutes.

**CERTIFICATE OF SERVICE**


I HEREBY CERTIFY that I have this day served a copy of the foregoing document by delivering separate, identical copies of the same in the manner specified below, addressed as follows:

Markaye Ashlee Blake  
221 Grandview Dr.  
Statesville, NC 28677  
Via First Class U.S. Mail, postage prepaid

and

Markaye Ashlee Blake,  
c/o Carlos E. Jane, Esq.  
418 W 5th Ave  
Lexington, NC 27292  
Via First Class U.S. Mail, postage prepaid

This the 11<sup>th</sup> day of January 2017.

  
Terence D. Friedman  
Assistant Attorney General  
N.C. State Bar Number 25088  
N. C. Department of Justice  
P.O. Box 629  
Raleigh, NC 27602-0629  
(919) 716-6610