

**NORTH CAROLINA DEPARTMENT OF INSURANCE  
RALEIGH, NORTH CAROLINA**

STATE OF NORTH CAROLINA  
COUNTY OF WAKE

BEFORE THE COMMISSIONER OF  
INSURANCE  
Docket Number: D-1347

IN THE MATTER OF THE LICENSURE  
OF DARVIN BULLOCK

ORDER AND FINAL AGENCY  
DECISION

THIS CAUSE was heard on Wednesday, February 28, 2007, by the undersigned hearing officer, designated by the Commissioner of Insurance pursuant to N.C. Gen. Stat. §58-2-55, pursuant to a notice of hearing that was duly issued and served.

The North Carolina Department of Insurance (hereinafter "Department") was present, represented by the Agent Services Division. The Department was represented by Assistant Attorney General Robert D. Croom.

Respondent, Darvin Bullock, failed to appear after being duly served with the notice of hearing.

At the hearing, Rebecca Shigley, a Complaint Analyst with the Department, Cornelius Alston, an employee of Monumental Life Insurance Company (hereinafter "Monumental") and Patrick Burch, District Manager for Monumental were called to testify.

The Department offered into evidence Exhibits 1, 2, 3, 4A through 4E, 5A through 5F, 6A through 6J, 7A through 7G, 8A through 8D, 9A through 9C, 10A through 10C, 12, 13, 14, and 15, and said documents were admitted into evidence.

After careful consideration of the evidence and arguments presented, and based on the record as a whole, 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 on January 17, 2007.
2. Respondent has been licensed by the Department as a life and health agent since April 5, 2005.
3. From on or about April, 2005 until his termination on August 15, 2005, Respondent was employed as an agent by Monumental in Rocky Mount, North Carolina.

4. As part of Respondent's job duties as an agent with Monumental, Respondent was assigned a list of accounts.

5. As a service to customers for some of Respondents's accounts, Respondent would travel to the customer to collect premiums.

6. Pursuant to Monumental office policy, whenever Respondent collected a premium from a customer, he was to provide a receipt to the customer for the premium collected.

7. Pursuant to Monumental office policy, whenever Respondent collected a premium from a customer, he was to make a journal entry using a company laptop to record the premium collected.

8. Pursuant to Monumental office policy, whenever Respondent collected a premium from a customer, he was to deposit the premium in a designated bank account within two days of the collection.

9. On or about August 15, 2005, when questioned by Mr. Alston and Mr. Burch, the Respondent admitted to taking money collected for the payment of premiums and using it for personal use.

10. Following Monumental's termination of the Respondent's employment, Mr. Alston conducted a review of all accounts that were assigned to the Respondent. The review showed the following:

- a. 13 Monumental customer account journals showed months where premium payments were not received; and
- b. Mr. Alston meet with the customers whose account journals had missing months and the majority of the customers provided Mr. Alston with receipts given to them by the respondent for premiums they paid to him for the missing months; and
- c. The total amount of premiums payed by customers but not recorded in account journals was \$676.04

5. There is substantial evidence that supports the foregoing findings. Additionally, due to Respondent's failure to appear at the administrative hearing, the undersigned Hearing Officer finds, pursuant to 11 N.C.A.C. 1.0423(a)(1), that the allegations set out in the notice of hearing are taken as true and are deemed to be proved without the need of further evidence. The allegations set out in the Notice of Hearing are incorporated by reference as if set forth herein.

Based on the forgoing Findings of Fact, the Hearing Officer makes the following:



### Conclusions of Law

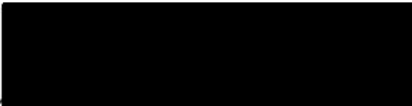
1. This matter is properly before the Commissioner. The Commissioner has jurisdiction over the parties and the subject matter pursuant to North Carolina General Statutes §§ 58-33-46, 150B-38, 150B-40, 11 N.C.A.C. 1.0401 et seq. and other applicable statutes and regulations.
2. Respondent was properly served with the Notice of Administrative Hearing.
3. Respondent improperly withheld, misappropriated and converted monies received in the course of doing insurance business by failing to remit premium monies collected from policy holders is a violation of N.C. Gen. Stat. § 58-33-46(a)(4).
4. Respondent demonstrated incompetence, untrustworthiness and financial irresponsibility in the conduct of business in this State by failing to remit premium monies collected from policy holders is a violation of N.C. Gen. Stat. § 58-33-46(a)(8).
5. Respondent violated N.C. Gen. Stat. §§ 58-2-162 and 58-33-46(a)(2) by embezzling and fraudulently converting to his own use money received by him in his performance as an agent.
6. The evidence presented at the hearing, in the form of testimony and the exhibits introduced, is sufficient to support a revocation of the Respondent's license.
7. Additionally, the allegations contained in the Notice of Hearing, when taken as true pursuant to 11 N.C.A.C. 1.0423(a)(1), are also sufficient to support a revocation of the Respondent's license.

Based on the foregoing Finding of Facts and Conclusions of Law, the Hearing Officer enters the following:

### Order

It is hereby ordered that the life and health agent license issued to Respondent Darwin Bullock be revoked.

This the 28<sup>th</sup> day of March, 2007.

  
Stewart Johnson, Hearing Officer  
N.C. Department of Insurance

APPEAL RIGHTS: This Order may be appealed to Superior Court within 30 days of receipt, as set forth in the General Statutes of North Carolina.