



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
ELAINE BULLOCK

ORDER and FINAL
AGENCY DECISION

DOCKET NO. 1662

This matter was heard on February 27, 2013 by the undersigned Hearing Officer, as designated by the Commissioner of Insurance pursuant to N.C. Gen. Stat. § 58-2-55. The administrative hearing was held in Room #3099 of the Dobbs Building, located at 430 North Salisbury Street, Raleigh, Wake County, North Carolina. Assistant Attorney General Rebecca E. Lem represented the Agent Services Division of the North Carolina Department of Insurance (hereinafter "Agent Services"). Elaine Bullock (hereinafter, "Respondent") appeared *pro se*.

Ms. Elizabeth Blackwell testified for Agent Services, and documentary evidence was presented. The Respondent testified on her own behalf. She did not present any additional witnesses, and she did not introduce documentary evidence. 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 and Conclusions of Law:

Findings of Fact

1. The Notice of Administrative Hearing was properly served on Respondent by certified first class postal mail.
2. Respondent is a resident of Stantonsburg, North Carolina and was at the time of the hearing employed at Pierce Insurance Agency in Farmville, North Carolina.
3. Respondent obtained a Life & Health Insurance agent license from the North Carolina Department of Insurance ("Department") on or about August 30, 2011.
4. On or about June 15, 2011, Respondent submitted an Application to Engage in the Business of Insurance. On this application, Respondent answered "Yes" to the following question: "Have you ever been convicted of, or are you currently charged with, committing a crime, whether or not adjudication was withheld?"
5. Following receipt of this application, a license was issued to the Respondent by Agent Services due to an administrative error. Thereafter, the Respondent was contacted by a representative of the Department concerning the error. The Respondent at first informed the

Department that she intended to surrender her agent license.

6. At some point thereafter, the Respondent obtained employment at Pierce Insurance Agency and decided that she wished to retain her agent license. In approximately December 2012, when contacted by a representative of the Department inquiring about when the Respondent was going to surrender her license, the Respondent informed the representative that she wished to retain the license.

7. Ms. Blackwell's testimony and documentary evidence show that an informal conference was scheduled between the Agent Services Division and the Respondent on or about October 27, 2011, but the Respondent was not able to attend and rescheduled the informal conference. A second informal conference was scheduled with the Respondent for November 21, 2011, but was not attended by her.

8. The certified criminal records introduced into evidence show that on or about July 9, 2008, Respondent pled guilty to a felony count of Forgery of an Instrument and one felony count of Uttering a Forged Instrument in Wilson County Superior Court case number 07 CRS 056479. Respondent paid restitution of \$1543.77 for these offenses, received a 5 – 6 month prison sentence that was suspended, and was placed on 18 months probation.

9. The certified criminal records indicate that the Respondent knowingly pled guilty to Felony Forgery and Uttering, and further the Respondent states in the Transcript of Plea that she was in fact guilty of these crimes.

10. The certified criminal records and Respondent's testimony show that Respondent's felony convictions were pursuant to events that occurred during the course of her employment and involved stolen checks from the former employer.

11. The Respondent testified that she pled guilty to these charges because her daughter committed the unlawful acts involving the stolen checks, and the Respondent did not want her daughter to get in trouble. The Respondent testified that her daughter was pregnant at the time that the charges were brought. The Respondent stated that she is no longer in contact with her daughter.

12. Ms. Blackwell testified that it was the position of the Agent Services Division that the Respondent's license should be revoked due to the recency of the convictions, and the nature and severity of the convictions.

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

Conclusions of Law

1. This matter is properly before the Commissioner of Insurance, and he has jurisdiction over the parties and the subject matter pursuant to Chapter 58 of the North Carolina General Statutes.


2. Notice in this matter was timely and properly served.
3. The Respondent has been convicted of a felony, and her license may be revoked pursuant to N.C.G.S. § 58-33-46(a)(6).
4. The Respondent's felony convictions involve crimes of dishonesty or a breach of trust, such that the Respondent must have a "1033 Waiver" granted by the Commissioner of Insurance of the State of North Carolina in order to engage in the business of insurance, pursuant to the requirements in 18 U.S.C. § 1033(e)(1)(A) and (e)(2). The Respondent has not received a 1033 Waiver.
5. For the reasons set forth above, the Respondent's license should be revoked.

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

Order

It is hereby ORDERED, ADJUDGED, and DECREED that the Life and Health insurance agent license of Respondent Elaine Bullock is revoked.

This the 27th day of March, 2013.


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.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this day I have served the foregoing ORDER by certified U.S. mail, postage prepaid, addressed as follows:

Ms. Elaine Pender Bullock
7563 Bartee Bridge Rd
Standonsburg, NC 27883

This 4th day of April , 2013.

ROY COOPER
Attorney General



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