

NORTH CAROLINA DEPARTMENT OF INSURANCE
RALEIGH, NORTH CAROLINA

STATE OF NORTH CAROLINA)	BEFORE THE
COUNTY OF WAKE)	COMMISSIONER OF INSURANCE
)	
)	
IN THE MATTER OF:)	ORDER AND
)	FINAL AGENCY DECISION
THE LICENSURE OF)	
WILLIAM CORCHADO)	Docket Number: 1970
NPN #17817844)	
)	
Respondent.)	
)	

This matter was heard on Tuesday March 17, 2020, 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 the **Albemarle Building**, located at 325 North Salisbury Street, Raleigh, Wake County, North Carolina. Special Deputy Attorney General Daniel S. Johnson represented the North Carolina Department of Insurance, Agent Services Division (hereinafter "Petitioner" or "ASD"). Respondent William Corchado (hereinafter, "Respondent") did not appear and offered no evidence.

Jeff Miller of ASD testified for the Petitioner. Petitioner's Exhibits 1-8 were admitted into evidence.

Due to the Petitioner's failure to appear at the hearing, pursuant to 11 NCAC 01.0423(a)(1), the allegations of the Notice of Hearing and attached Petition for Administrative Hearing may be taken as true or deemed to be proved without further evidence.

Based on the evidence presented, 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 Petitioner pursuant to Rule 4 of the North Carolina Rules of Civil Procedure. The Notice of Administrative Hearing and attached Petition and the Affidavit of Service were admitted into evidence as administrative exhibits.

2. Respondent is a resident of Pennsylvania.

3. The Department has the authority and responsibility for the enforcement of insurance laws of this State and for regulating and licensing insurance agents. Respondent holds a Non-Resident Producer License with lines of authority in Life and Accident & Health or Sickness. Respondent's National Producer Number (NPN) is 17817844.

4. On or about June 8, 2018, administrative action was taken against Respondent from by the Nebraska Department of Insurance, suspending his insurance license and imposing a civil monetary penalty for demonstrated lack of fitness or trustworthiness and for violating of the Nebraska Unfair Insurance Trade Practices Act.

5. Respondent failed to notify the North Carolina Commissioner of Insurance ("Commissioner") of the Nebraska administrative action within thirty (30) days as required by N.C. Gen. Stat. § 58-33-32(k).

6. Jeff Miller of the Agent Services Division of the North Carolina Department of Insurance sent two requests for information and two notices of informal conferences to Respondent, however the Respondent never responded to that correspondence. At the time of each of the two attempted informal conferences a voice mail message was left with Respondent asking him to call either Mr. Miller or Ms. Hatchell of ASD. Respondent did not call.

7. The administrative action taken by the Nebraska Department of Insurance was based on Respondent's failure to respond to inquiries from that department. Respondent has shown by his repeated failure to respond to or communicate with the N.C. Department of Insurance that he does not choose to be regulated by this Department.

8. ASD requested that Respondent's license be revoked pursuant to N.C. Gen. Stat. §§ 58-33-32(k) and 58-33-46(a)(2).

CONCLUSIONS OF LAW

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

2. The Notice of Administrative Hearing was properly served on Petitioner

pursuant to Rule 4 of the North Carolina Rules of Civil Procedure.

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. The evidence presented at the hearing supports the allegations of the Notice of Hearing and Petition.

5. Respondent's failure to report the June 8, 2018 Nebraska Department of Insurance administrative action to the Department within thirty (30) days is a violation of N.C. Gen. Stat. §58-33-32(k).


6. N.C. Gen. Stat. § 58-33-46(a)(2) allows the Commissioner to suspend, revoke, or refuse to renew any license issued under this Article for violating any insurance law of this or any other state. Respondent's licenses are subject to suspension or revocation under N.C. Gen. Stat. § 58-33-46(a)(2) for failing to report the Nebraska administrative action to the Department in violation of N.C. Gen. Stat. § 58-33-32(k).

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

ORDER

It is ordered that any and all licenses issued to Respondent William Corchado by the North Carolina Department of Insurance are hereby REVOKED effective as of the date of the signing of this order.

This the 19th day of March, 2020.


John Hoomani, Hearing Officer
N.C. Department of Insurance

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 11. NCAC 01.0413 and N.C. Gen. Stat. § 1 A-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, including explicitly stating what exceptions are taken to the decision or procedure and what relief the petitioner seeks, and requires service of the Petition by personal service or by certified mail upon all who were parties of record to the administrative proceedings. 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.

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:

William Corchado
412 Pennsylvania Avenue
Reading, PA 19606-9066
(Respondent)

Certified Mail Tracking #: 70191120000089734503

Daniel S. Johnson
Special Deputy Attorney General
N.C. Department of Justice
Insurance Section
9001 Mail Service Center
Raleigh, NC 27699-9001
(Attorney for Petitioner)

This the 19th day of March, 2020.


Mary Faulkner
Paralegal
N.C. Department of Insurance
1201 Mail Service Center
Raleigh, NC 27699-1201