

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
BELINDA K. FAULKNER
A/K/A BELINDA COLBERT FAULKNER,
A/K/A BELINDA DORITY

ORDER AND FINAL AGENCY
DECISION
Docket Number 1610

THIS matter was heard on Wednesday, March 21, 2012, 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 Agent Services Division of the North Carolina Department of Insurance (hereinafter "Agent Services") was present at the hearing and was represented by Special Deputy Attorney General David W. Boone.

Petitioner, Belinda K. Faulkner (hereinafter "Petitioner") was present and testified at the hearing. Petitioner was represented by Ms. Diane Littlejohn, Attorney at Law, of Durham, North Carolina.

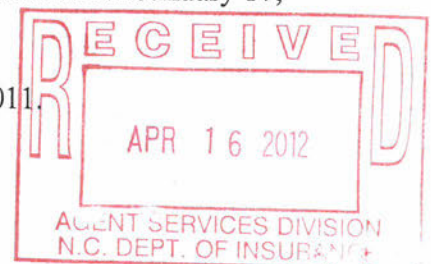
Agent Services offered into evidence Exhibits 1 through 8, and said documents were admitted into evidence.

Petitioner offered into evidence Exhibits 1 through 6, 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 Petitioner on January 17, 2012.
2. Petitioner applied for a Life agent/Producer license on April 5, 2011.



3. Petitioner applied for an Accident & Health or Sickness agent/producer license on April 5, 2011.
4. On Petitioner's application for a Life agent/producer and the Petitioner's application for an Accident & Health agent/producer license (hereinafter "Petitioner's Applications"), Petitioner answered "yes" to the question, "Have you ever been convicted of a crime, had a judgment withheld or deferred, or are you currently charged with committing a crime?"
5. Petitioner's Applications were denied by Agent Services on April 21, 2011.
6. Petitioner requested in writing a review of Agent Services' denial of Petitioner's Applications on May 10, 2011.
7. A denial review conference was held with Petitioner on June 14, 2011.
8. Following the denial review conference, Agent Services upheld its initial denial of Petitioner's Applications on June 14, 2011.
9. On September 22, 2003, Defendant was convicted of two felonies of financial identity fraud under N.C. Gen. Stat. § 14-113.20. The date of the first offense was March 15, 2002 and the date of the second offense was May 14, 2003.
10. Each of the offenses involved the fraudulent use of names, dates of birth and social security numbers acquired by Petitioner from people who came into contact with her. Petitioner entered pleas of guilty to the two felonies in Duplin County Superior Court on September 22, 2003. The Superior Court criminal case numbers are 03 CRS 005503 and 03 CRS 050273 which were consolidated for judgment.
11. On January 29, 2003, Petitioner gave a statement to law enforcement authorities in connection with the earlier of the two cases. In the statement, Petitioner admitted that she used the names, dates of birth and social security numbers of two victims to obtain credit cards for use to make purchases from several different businesses. Petitioner's statement indicates that the use of the credit cards using other people's identity started in September 2001 and continued to November 2002.
12. In case numbered 03 CRS 005503, Petitioner was charged with and pled guilty to the felony of financial identity fraud based on the fraudulent use of a third victim's name, date of birth and social security number for the purpose of obtaining a rental lease. The offense date indicated on the Judgment in 03 CRS 005503 is May 14, 2003.

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. Petitioner was properly served with the Notice of Administrative Hearing.
3. Pursuant to N.C. Gen. Stat. § 58-33-30(g), an application may be denied for any reason for which a license may be suspended or revoked or not renewed under N.C. Gen. Stat. § 58-33-46.
4. Pursuant to N.C. Gen. Stat. § 58-33-46(a)(6), the Commissioner may deny, suspend, revoke or refuse to renew any license for having been convicted of a felony, a misdemeanor involving dishonesty or a breach of trust, or a misdemeanor involving moral turpitude.
5. Petitioner's two felony convictions for financial identity fraud are violations of N.C. Gen. Stat. § 58-33-46(a)(6), and each is sufficient to support denial of Petitioner's Applications.
6. The Hearing Officer finds that Petitioner's Applications should be denied.
7. The Hearing Officer finds that Petitioner's Applications were properly denied by the Agent Services Division of the Department.

Based on the foregoing Findings of Fact and Conclusions of Law, the Hearing Officer enters the following:

Order

It is hereby ordered that the decision of the Agent Services Division to deny the Life agent/producer license application and the Accident & Health or Sickness agent/producer license application of Petitioner Belinda K. Faulkner is affirmed and the Life agent/producer license application and the Accident & Health or Sickness agent/producer license application of Petitioner Belinda K. Faulkner are denied.

This the 12th day of April, 2012.


Stewart L. Johnson, Hearing Officer
North Carolina 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 I have this day served a copy of the foregoing Order and Final Agency decision by mailing a copy of same by certified United States mail, return receipt requested, in a first class postage prepaid envelope addressed to the Attorney for Petitioner as follows:

Ms. Diane Littlejohn
Littlejohn Law Offices
P.O. Box 25282
Durham, N.C. 27702

This the 12th day of April, 2012.



David W. Boone
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