

NORTH CAROLINA DEPARTMENT OF INSURANCE  
RALEIGH, NORTH CAROLINA

Agent Services  
Division

NOV 20 2006

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STATE OF NORTH CAROLINA

BEFORE THE COMMISSIONER  
OF INSURANCE

COUNTY OF WAKE

IN THE MATTER OF  
THE LICENSURE OF  
ALYCE FAYE FINOCCHIO

ORDER AND FINAL  
AGENCY DECISION

Docket Number: 1262

This matter was heard on Friday, October 6, 2006, by the undersigned Hearing Officer, who was duly designated to hear the matter by the Commissioner of Insurance under N.C. Gen. Stat. § 58-2-55. Pursuant to a Notice of Administrative Hearing that was duly issued and served, this matter was initially set for hearing on May 10, 2006, and was subsequently continued at the request of both parties. The October 6 hearing date was selected at the request of Respondent Alyce Faye Finocchio ("Respondent").

The North Carolina Department of Insurance ("Department") was present, specifically the staff members of the Agent Services Division. The Department was represented by Assistant Attorney General LaShawn L. Strange. Respondent failed to appear at the hearing after being duly served with the Notice of Administrative Hearing and the Order of Continuance.

The Department offered into evidence Exhibits 1-7, and those Exhibits 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 August 17, 2006.
2. Respondent has been licensed by the Department as a life and health insurance agent since December 18, 1995.
3. Because of Respondent's failure to appear at the hearing, the undersigned Hearing Officer finds, pursuant to 11 NCAC 1.0423(a)(1), that the allegations set out in the Notice of Administrative Hearing are true and are proved without further evidence.

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 Statute §§ 58-2-70, 58-33-46, 150B-38, and 150-40; 11 NCAC 10401 et seq., and other applicable statutes and administrative rules.
2. Respondent was properly served with the Notice of Administrative Hearing.
3. Pursuant to 11 NCAC 1.0423(a)(1), the allegations set forth in the Notice of Administrative Hearing are taken as true and are deemed to be proved without further evidence.
4. The allegations set out in the Notice of Administrative Hearing are incorporated by reference as if set forth herein.

5. Respondent's conviction of felony possession of cocaine in Cumberland County Superior Court, case number 04 CRS 068370, constitutes sufficient grounds for the Commissioner to revoke Respondent's life and health insurance agent license pursuant to N.C. Gen. Stat. § 58-33-46(a)(6), which provides that the Commissioner may revoke an agent's license for having been convicted of a felony.
  
6. Respondent's failure to report her conviction of felony possession of cocaine within ten business days after the conviction date, as required under N.C. Gen. Stat. § 58-2-69(c), constitutes sufficient grounds for the Commissioner to revoke Respondent's life and health insurance agent license pursuant to N.C. Gen. Stat. § 58-33-46(a)(2), which provides that the Commissioner may revoke an agent's license for violating any insurance law.

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

### Order

It is hereby ordered that all insurance licenses issued to Respondent Alyce Faye Finocchio be permanently revoked.

This the 15<sup>th</sup> day of November, 2006.



William K. Hale, Hearing Officer  
N.C. Department of Insurance

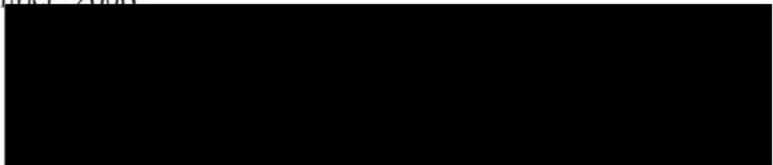
**APPEAL RIGHTS:** This Order may be appealed to Superior Court within 30 days of receipt, as set forth in the General Statutes of North Carolina.

CERTIFICATE OF SERVICE

I hereby certify that on this day I have served a copy of the **Order and Final Agency Decision** by mailing a copy of the same via certified U.S. mail, first class postage prepaid, and addressed as follows:

Alyce Faye Finocchio  
5819 Michelle Drive  
Wilmington, NC 28403

This the 17<sup>th</sup> day of November, 2006



LaShawn L. Strange  
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