

**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
DERRICK LORINZA HESTER

FINAL AGENCY DECISION

Docket Number: D-1108

This matter was heard by the undersigned Hearing Officer, as designated by the Commissioner of Insurance pursuant to N.C.G.S. § 58-2-55, on January 22, 2003, in Room # 3099 of the Dobbs Building, located at 430 North Salisbury Street, Raleigh, Wake County, North Carolina 27604. The Department of Insurance (hereinafter "the Department") was represented at the hearing by Diane G. Miller, Assistant Attorney General. Derrick Lorinza Hester, (hereinafter "Hester") appeared and was represented by J. Kirk Osborn and Amos Granger Tyndall.

The Hearing Officer, after careful consideration and based upon the record as a whole, makes the following:

FINDINGS OF FACT

1. A Notice of Administrative Hearing was properly served on Hester based upon the Affidavit of Service presented by the Department as Exhibit 2.
2. Hester currently holds licenses as a professional bondsman and a surety bondsman, issued by the North Carolina Department of Insurance pursuant to the provisions of Article 71, Chapter 58 of the General Statutes of North Carolina.
3. On or about October 2, 2002, Hester was convicted of a felony, possessing and carrying a gun on educational property, in violation of N.C.G.S. § 14-269.2(b). Hester has appealed his conviction to the North Carolina Court of Appeals and that appeal is pending at this time.
4. On or about October 10, 2002, the Agent Services Division of the Department of Insurance asked Hester to surrender his bail bondsman licenses.
5. Hester refused to surrender his licenses.

Based upon the foregoing Findings of Fact, the Hearing Officer makes the following:

CONCLUSIONS OF LAW


1. Notice in this matter was timely and properly effected.
2. 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 General Statutes of North Carolina.
3. Hester' felony conviction on or about October 2, 2002, is sufficient grounds to revoke his professional bondsman and a surety bondsman licenses under N.C.G.S. § 58-71-80(b) which provides that "[t]he Commissioner shall deny, revoke, or refuse to renew any license under this Article if the applicant or licensee is or has ever been convicted of a felony."

Based upon the foregoing Conclusions of Law, the Hearing Officer enters the following:

ORDER

Hester's professional bondsman and a surety bondsman licenses are revoked.

This the 24th day of February, 2003.


Peter A. Kolbe
Hearing Officer

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


CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I have this day served the foregoing FINAL AGENCY DECISION by certified mail, return receipt requested, first class postage prepaid, addressed as follows:

Derrick Lorinza Hester
6 N. Indian Creek Place
Durham, N.C. 27703

J. Kirk Osborn
Osborn/Tyndall Attorneys
The Europa Center, Suite 130
Chapel Hill, N.C. 27517

This the 28th day of February, 2003



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