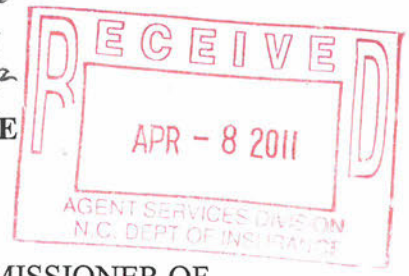


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JR



**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 VALISA K. JACOBS  
(NPN # 12297251)

ORDER AND FINAL AGENCY  
DECISION  
Docket Number: D-1553

THIS CAUSE was heard on Wednesday, March 16, 2011, 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 North Carolina Department of Insurance (hereinafter "Department") was present, represented by the Agent Services Division. The Department was represented by Assistant Attorney General Robert D. Croom.

Respondent, Valisa K. Jacobs (hereinafter "Respondent"), failed to appear after being duly served with the notice of hearing.

At the hearing, Jerry Roventini, a Complaint Analyst with the Department, and Howard Mayers for United Insurance Company (hereinafter "United"), were called to testify.

The Department offered into evidence Administrative Exhibits A1 and A2 as well as Hearing Exhibits 1 through 20, 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 Respondent on January 29, 2011.
2. Respondent is licensed by the Department as a Life agent/producer, a Property agent/producer, a Casualty agent/producer and an Accident and Health or Sickness agent/producer.

3. From on or about December 29, 2008 until August 21, 2009, Respondent was employed as an agent by United in its Lumberton, North Carolina office.
4. As part of Respondent's job duties as an agent with United, Respondent was assigned a list of accounts, referred to as a route list.
5. As a service to customers for some of Respondent's accounts, Respondent would travel to the policy holders to collect premiums.
6. Pursuant to United office policy, whenever Respondent collected a premium from a policy holder, she was to record the premium collected into a handheld computer initial that the premium was collected in a receipt book given by United to the policy holder.
7. Pursuant to United office policy, at closeout, money and checks collected would be reconciled with what had been recorded in the agent's handheld computer.
8. Pursuant to United office policy, if at closeout the number of accounts in arrears on an agents route list was greater than 10 %, an audit of the agents route list would be conducted to see if there was a problem.
9. For the week of August 10, 2009, more than 10 % of the accounts on Respondent's route list were in arrears.
10. Howard Mayers, who was Respondent's supervisor, performed an audit of Respondent's route list, which included meeting with 16 policy holders on Respondent's route list who were in arrears.
11. 13 policy holders provided Mr. Mayers with receipt books issued by the United that were initialed by Respondent indicating that she had collected the policy holders' premiums for September, 2009.
12. For 3 policy holders identified on the route list that did not have receipt books, Respondent gave written statements for each of the policy holders that she owed one month's payment due to a deficiency of funds.
13. United's audit of Respondent's route list shows a total deficiency of \$1,737.63.
14. For the 16 policy holders identified in the United audit, United credited their accounts as having been paid. Therefore, the \$1,737.63 loss was suffered by United.
15. United offset the \$1,737.63 loss with a \$498.06 bond Respondent had with the United resulting in a net loss of \$1,239.57 for United.

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

### **Conclusions of Law**

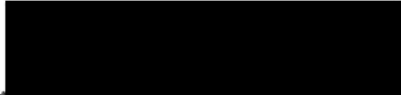
1. This matter is properly before the Commissioner. The Commissioner has jurisdiction over the parties and the subject matter pursuant to North Carolina General Statutes §58-33-46, 150B-38, 150B-40, 11 NCAC 1.0401 et seq. and other applicable statutes and regulations.
2. Respondent was properly served with the Notice of Administrative Hearing.
3. Respondent's improperly misappropriated \$1,737.63 received in the course of doing insurance business is a violation of N.C. Gen. Stat. § 58-33-46(a)(4).
4. Respondent demonstrated untrustworthiness and financial irresponsibility in the conduct of business in this State by failing to deposit all premium monies collected from policy holders is a violation of N.C. Gen. Stat. § 58-33-46(a)(8).
5. The evidence presented at the hearing, in the form of testimony and the exhibits introduced, is sufficient to support a revocation of Respondent's license.
6. Pursuant to 11 NCAC 1.0423(a)(1), if a party fails to appear at a hearing or fails to comply with an interlocutory order of the hearing officer, the hearing officer may find that the allegations of or the issues set out in the notice of hearing or other pleading may be taken as true or deemed to be proved without further evidence.
7. Additionally, the allegations contained in the Notice of Hearing are taken as true pursuant to 11 NCAC 1.0423(a)(1), and provide independent and additional grounds sufficient to support a revocation of Respondent's license.

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

### **Order**

It is hereby ordered that the Life agent/producer, the Property agent/producer, the Casualty agent/producer and the Accident and Health or Sickness agent/producer licenses issued to Respondent Valisa Jacobs are permanently revoked.

This the 5<sup>th</sup> day of April, 2011.

  
Stewart Johnson, Hearing Officer  
N.C. Department of Insurance

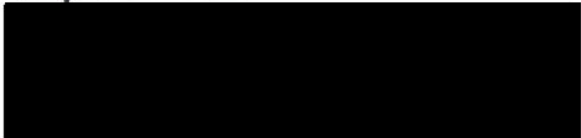
APPEAL RIGHTS: This Order may be appealed to Superior Court within 30 days of receipt, as set forth in the General Statutes of North Carolina.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I have this day served a copy of the foregoing ORDER AND FINAL AGENCY DECISION by mailing a copy of the same via certified U.S. mail, return receipt requested, in a first class postage prepaid envelope addressed as follows:

Valisa K. Jacobs  
48 Mule Road  
Lumberton, NC 28360

This the 6<sup>th</sup> day of April, 2011.



Robert D. Croom  
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N. C. Department of Justice  
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