

NORTH CAROLINA DEPARTMENT OF INSURANCE
RALEIGH, NORTH CAROLINA

STATE OF NORTH CAROLINA)	BEFORE THE COMMISSIONER
COUNTY OF WAKE)	OF INSURANCE
)	
IN THE MATTER OF:)	
)	ORDER AND FINAL AGENCY
THE LICENSURE OF WILLIAM)	DECISION
JARMAN)	
)	Docket Number: 1957
Applicant.)	
)	

This matter was heard on Thursday, August 8, 2019, by the undersigned Hearing Officer, as designated by the Commissioner of Insurance pursuant to N.C. Gen. Stat §§ 58-2-50 and 58-2-55, pursuant to a notice of hearing that was duly issued and served. The administrative hearing was held in the Albemarle Building, located at 325 North Salisbury Street, Raleigh, Wake County, North Carolina.

Petitioner, Bail Bond Regulatory Division (“BBRD”) of the North Carolina Department of Insurance (“NCDOI”) was present and represented by Assistant Attorney General Thomas Felling. BBRD Senior Complaint Analyst Steve Bryant testified at hearing.

Applicant, William Jarman, failed to appear at the hearing after being duly served with the notice of hearing.

BBRD offered into evidence Petitioner’s Exhibits 1 through 11, which were admitted into evidence. Exhibits 1, 2, and 3 were admitted for administrative purposes only.

BASED UPON careful consideration of the evidence and arguments presented, and based upon the entire record in the proceeding, the undersigned Hearing Officer hereby makes the following Findings of Fact and Conclusions of Law:

Findings of Fact

1. Applicant applied for licensure as a Surety Bondsman by the Department.

2. Applicant’s application answered yes to the following question: “3. Have you ever been convicted, or are you currently charged with, committing a

crime, whether or not adjudication was withheld?"

3. On October 29, 2018, Applicant responded to an inquiry from BBRD and disclosed the following criminal convictions from the State of Delaware and their circumstances: offensive touching, terroristic threatening, and menacing.

4. Certified records obtained from the State of Delaware show that Applicant was found guilty of the charges of misdemeanor menacing on September 8, 1995 and misdemeanor offensive touching, misdemeanor non-compliance with conditions of bond, and misdemeanor terroristic threatening on April 16, 1996.

5. The certified records from the State of Delaware, and Applicant's response to BBRD, indicate that the factual circumstances underlying the convictions for terroristic threatening and offensive touching involved a female who was also a minor at the time the acts occurred and that for the conviction of offensive touching, Applicant was originally charged with unlawful sexual contact in the second degree.

6. As a result of Applicant's criminal convictions, on November 14, 2018, BBRD sent Applicant correspondence informing him that his application for licensure as a Surety Bondsman was denied because of his convictions of crimes involving dishonesty, breach of trust, or moral turpitude.

7. On November 15, 2018, Applicant sent correspondence to BBRD requesting a review of the denial of his application.

8. On December 11, 2018, BBRD held a review regarding the denial of Applicant's application and Applicant attended this denial review.

9. On January 23, 2019, BBRD sent correspondence to Applicant informing him that his application was denied for the same reasons set forth in the prior correspondence dated November 14, 2018.

10. On February 21, 2019, Applicant sent correspondence to BBRD requesting an administrative hearing to appeal the denial of his application for a Surety Bondsman license.

Conclusions of Law

Based on the foregoing findings of fact, the undersigned concludes as a matter of law:

11. This matter is properly before the North Carolina Commissioner of Insurance (hereinafter "Commissioner"), and the Commissioner has jurisdiction over the parties and the subject matter pursuant to N. C. Gen. Stat. §§ 58-2-50, 58-

2-55, 58-71-80, 58-71-85, 150B-38 and 150-40, as well as 11 N.C.A.C. 10401 et seq. and other applicable statutes and regulations.

12. Applicant was properly served with the Notice of Hearing in this matter.

13. Pursuant to N.C. Gen. Stat. § 58-71-80(a)(6) the Commissioner may deny issuance of a bail bond license for conviction of a crime involving dishonesty, breach of trust, or moral turpitude.

14. Applicant's 1995 conviction of one count of misdemeanor menacing is not a crime involving dishonesty, breach of trust, or moral turpitude.

15. Applicant's 1996 convictions of one count of misdemeanor terroristic threatening and one count of misdemeanor offensive touching are crimes involving moral turpitude because of the factual circumstances underlying the convictions. These violations by themselves, are sufficient to support the denial of the application.

16. Applicant's 1996 conviction for non-compliance with conditions of bond was a crime involving breach of trust. This violation, by itself, is sufficient to support the denial of the application.

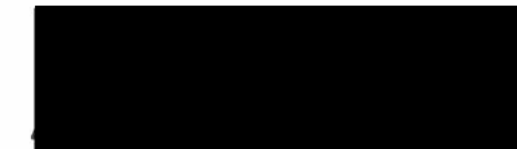
17. BBRD properly denied Applicant's surety bail bond license application pursuant to N.C. Gen. Stat. § 58-71-80(a)(6) based on Applicant's convictions for the crimes of terroristic threatening, offensive touching, and non-compliance with conditions of bond.

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

Order

It is ordered that the Bail Bond Regulatory Division's denial of Applicant's application for a surety bail bond license be UPHELD, and that no license shall be issued to him.

This the 27th day of August, 2019.



Robert D. Croom, Hearing Officer
N.C. Department of Insurance
1201 Mail Service Center
Raleigh, NC 27699-1201

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 the 11 NCAC 1.0413 and N.C.G.S. § 1A-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 and requires service of the Petition on all parties. 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 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; via first class U.S. mail to the Applicant 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 Jarman
5020 Prey Lane
Concord, NC 28025
(Applicant)

Certified Mail Tracking Number: 70191120000089733919

Thomas J. Felling
Assistant Attorney General
N.C. Department of Justice
9001 Mail Service Center
Raleigh, NC 27699-9001
(Attorney for Petitioner)

This the 27th day of August, 2019.


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