

**NORTH CAROLINA DEPARTMENT OF INSURANCE
RALEIGH, NORTH CAROLINA
DOCKET NUMBER: 1683**

**STATE OF NORTH CAROLINA
COUNTY OF WAKE**

**BEFORE THE COMMISSIONER
OF INSURANCE**

**IN THE MATTER OF
THE LICENSURE OF
MIRNA LETICIA MENDEZ**

**ORDER AND FINAL AGENCY
DECISION**

This matter was heard on Thursday, May 9, 2013, by the undersigned Hearing Officer, as designated by the Commissioner of Insurance pursuant to N.C. Gen. Stat. §58-2-55. The administrative hearing was held in Room #3099 of the Dobbs Building, located at 430 North Salisbury Street, Raleigh, Wake County, North Carolina. Assistant Attorney General LaShawn S. Piquant represented the North Carolina Department of Insurance, Agent Services Division (hereinafter "Agent Services"). Licensed agent Mirna Mendez (hereinafter, "Mendez") was not present for the proceeding.

After careful consideration of the evidence and the 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 served on Mendez by Federal Express, on April 22, 2013. The notice was served at the residential address provided to Agent Services: 4699 Belgian Drive, Gibsonville, North Carolina 27249. There was an initial attempt to serve Mendez by certified, U.S. mail.
2. Mendez was first issued a resident producer license in August 2007. Mendez is currently authorized to sell insurance in the areas of Property and Casualty as well as Life and Health. Mendez's insurance licenses are currently active.
3. Mendez was employed with James Crouse's Allstate Insurance agency in High Point, North Carolina. She was hired by Mr. Crouse on April 18, 2011 as a customer service/sales agent. Mr. Crouse is required to report any hiring or termination decision to Allstate Insurance's corporate office.
4. Mr. Crouse testified that his agency rewards referrals to the agency by giving \$10 American Express gift cards to anyone who makes a referral. After giving out a gift card, he was contacted by the customer and advised that the gift card given was already used. Mr. Crouse contacted American Express, and he contacted CVS pharmacy where the used gift card was redeemed. He was able to determine that Mendez used that gift card.

5. Mr. Crouse also testified that after contacting American Express, he determined more than one gift card may have been misappropriated. He then contacted the High Point Police regarding the theft.

6. On or about April 16, 2012, Officer Reison with the High Point Police Department and Mr. Crouse met with Mendez at the agency to discuss the theft. Mendez admitted to stealing 13 (thirteen) American Express gift cards valued at \$10 each. Mendez signed an agreement admitting to the theft and agreeing to reimburse the agency \$130 from her next paycheck. Mendez's signature was witnessed by Officer Riesen, Mr. Crouse and Mary Boelte who also works in the agency. The statement was signed and dated on April 16, 2012.

7. Mendez was fired for theft and embezzlement on April 16, 2012. Mr. Crouse reported the termination for cause to Allstate Insurance's corporate office.

8. In a letter dated June 12, 2012, Agent Services was notified by Allstate Insurance Company that Mendez was terminated for cause. The document provided that that the reason for termination was "dishonest practices and demonstrating untrustworthiness in the conduct of business in this state."

9. In a letter dated June 18, 2012, Agent Services contacted Allstate for additional information regarding Mendez's termination. In its response dated July 12, 2012, Allstate provided additional documentation indicating that Mendez worked specifically for Allstate agent Jerry Crouse, and that Mendez was fired from his agency for embezzlement. Allstate provided the signed statement of Mendez wherein she admitted to stealing thirteen \$10 Allstate gift cards.

Conclusions of Law

1. 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. §§ 58-33-46, as well as 11 N.C.A.C. 10401 et seq. and other applicable statutes and regulations.

2. The Notice of Hearing was properly served pursuant to Rule 4 of the North Carolina Rules of Civil Procedure.

3. The actions of Mendez provide substantial and sufficient grounds for the suspension, probation, revocation or nonrenewal of her licenses pursuant to N.C. Gen. Stat. §58-33-46.

4. Specifically, the actions of Mendez provide substantial and sufficient grounds for the revocation of her insurance licenses pursuant to N.C. Gen. Stat. §58-33-46(a)(8) which provides that the Commissioner may place on probation, suspend, revoke or refuse to renew any license if a licensee has engaged in "fraudulent, coercive, or dishonest practices, or demonstrating incompetence, untrustworthiness, or financial irresponsibility in the conduct of business in this

State or elsewhere." Mendez has engaged in dishonest practices, and Mendez' theft of the gift cards demonstrated untrustworthiness and financial irresponsibility in the conduct of business in this State.

5. Mendez' license should be revoked pursuant to N.C. Gen. Stat. § 58-33-46(a)(8).

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

Order

The insurance licenses of Mirna Leticia Mendez are hereby revoked.

This the 22nd day of May, 2013.



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 the foregoing Order and Final Agency Decision by US certified mail, return receipt requested, and US mail, first class postage affixed and addressed as follows:

Mirna L. Mendez
4699 Belgian Drive
Gibsonville, NC 27249

This the 24th day of May, 2012.



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