

**NORTH CAROLINA DEPARTMENT OF INSURANCE  
RALEIGH, NORTH CAROLINA**

**Docket Number: D-1621**

**STATE OF NORTH CAROLINA**

**BEFORE THE COMMISSIONER  
OF INSURANCE**

**COUNTY OF WAKE**

**IN THE MATTER OF  
THE LICENSURE OF  
MICHAEL MOBLEY**

**FINAL AGENCY DECISION  
AND ORDER**

This matter was heard on Thursday, July 26, 2012, 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 Rebecca E. Lem represented the North Carolina Department of Insurance (hereinafter, "NCDOI"), Agent Services Division (hereinafter "Agent Services" or "ASD"). Michael Mobley (hereinafter, "Respondent") did not appear.

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 pursuant to Rule 4 of the North Carolina Rules of Civil Procedure.
2. Documentary evidence admitted at the hearing and testimony shows that Respondent applied on or about September 9, 2010 to NCDOI for a nonresident insurance producer license to transact life insurance through the National Insurance Producer Registry (NIPR) online application process. Further, as part of the license application process, Respondent was required to pay a license fee of \$50 at the time of the application.
3. National Insurance Producer Registry (NIPR) is duly authorized to collect license fees on behalf of NCDOI.
4. To be granted an insurance producer license, Respondent was required to pay his license fee of \$50.00 to NIPR. He was additionally required to pay \$6.18 to NIPR for related transaction fees for his license.

5. Documentary evidence admitted at the hearing and testimony shows that on or about September 13, 2010, NIPR issued Mobley's non-resident North Carolina agent license (NP# 6797695) and attempted to post the electronic payment of \$56.18 for this renewal in NIPR transaction # 184592570. The electronic payment was declined by Respondent's financial institution for insufficient funds. NIPR unsuccessfully attempted to post this electronic payment on two subsequent occasions.
6. Documentary evidence admitted at the hearing and testimony shows that NIPR subsequently contacted ASD because Respondent's electronic payment of \$56.18 to NIPR had been declined by his financial institution. As a result of the electronic payment being declined, Respondent continued to hold an insurance producer license without having paid his license fee.
7. Documentary evidence admitted at the hearing and testimony shows that the Department contacted Respondent on several occasions by letter, email, and telephone to notify him that he needed to pay the \$56.18 fee to NIPR. Such notifications included the following:
  - a. The Agent Services Division sent written notification on September 23, 2011 to the Respondent that his payment had been declined and gave him instructions on how to make payment.
  - b. The Agent Services Division spoke with Respondent by phone on or about September 28, 2011 to instruct him that he needed to post valid payment to NIPR for his license renewal fee. ASD sent a follow-up email that same date to Mr. Mobley.
  - c. In a letter dated October 17, 2011, the Agent Services Division again notified Respondent that he had failed to pay his license fee and that his continued failure to pay his license fee was in possible violation of North Carolina insurance laws.
  - d. Agent Services Division sent a letter dated October 17, 2011 requesting that Respondent attend an informal conference on November 17, 2011 to discuss his failure to pay the license fee. Respondent failed to attend the informal conference, and he continued to fail to pay his license fee.
  - e. The Agent Services Division sent another letter on November 28, 2011 rescheduling the informal conference. However, this letter was sent by certified mail and was not picked up by Respondent.
  - f. The Agent Services Division sent an email to the Respondent on December 29, 2011 notifying the Respondent that he needed to pay the \$56.18 to NIPR, and this e-mail again instructed the Respondent on how to pay this fee.
8. Documentary evidence admitted at the hearing and testimony shows that, as of the date of this hearing, the Respondent has not paid his required license fee.



9. There is substantial evidence that supports the foregoing findings. Additionally, due to Respondent's failure to appear at the administrative hearing, the undersigned Hearing Officer finds, pursuant to 11 N.C.A.C. 1.0423(a)(1), that the allegations set out in the Notice of Administrative Hearing are taken as true and are deemed to be proved without the need of further evidence. The allegations set out in the Notice of Administrative Hearing are incorporated by reference as if set forth herein.

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

**Conclusions of Law**

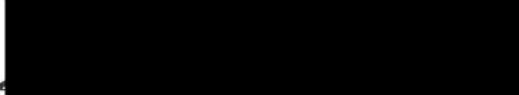
1. This matter is properly before the Commissioner, and the Commissioner has jurisdiction over the parties and the subject matter pursuant to N. C. Gen. Stat. §§ 58-33-26, 58-33-30, 58-33-32, 58-33-46, 58-33-125, 150B-38 and 150-40, as well as 11 N.C.A.C. 10401 et seq. and other applicable statutes and regulations.
2. Respondent was properly served with the Notice of Administrative Hearing.
3. Respondent violated N.C. Gen. Stat. § 58-33-125(c) and N.C. Gen. Stat. § 58-33-32(c) by failing to pay his license fee.
4. Respondent violated N.C. Gen. Stat. § 58-33-46(a)(8) by demonstrating incompetence and financial irresponsibility by failing to pay his license fee.
5. Pursuant to N.C. Gen. Stat. § 58-33-46(a)(17), Respondent's license may be revoked because at the time his license was issued, NCDOL could have refused to issue his license if the Commissioner had known that the Respondent had failed to pay his license fee.
6. Respondent's license should be revoked.

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

Order

It is ordered that the non-resident producer license of Respondent Michael Mobley is hereby revoked.

This 15<sup>th</sup> day of August, 2012.

  
Stewart L. Johnson, Hearing Officer  
North Carolina Department of Insurance  
1201 Mail Service Center  
Raleigh, North Carolina 27699-1201

CERTIFICATE OF SERVICE

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

Michael Mobley  
1525 Autumn Brook Lane  
York, SC 29745

This 21<sup>st</sup> day of August, 2012.

ROY COOPER  
ATTORNEY GENERAL



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