

NORTH CAROLINA DEPARTMENT OF INSURANCE
RALEIGH, NORTH CAROLINA

STATE OF NORTH CAROLINA)	BEFORE THE
COUNTY OF WAKE)	COMMISSIONER OF INSURANCE
)	
IN THE MATTER OF:)	ORDER AND
)	FINAL AGENCY DECISION
THE LICENSURE OF)	
SHAHEED PAYNE)	Docket Number: 1955
NPN #16936172)	
)	
Respondent.)	

THIS matter was heard on July 18, 2019 by the undersigned Hearing Officer designated by the North Carolina Commissioner of Insurance (hereinafter, "Commissioner") under N.C. Gen. Stat. §§ 58-2-50 and 58-2-55, pursuant to a Notice of Hearing that was duly issued and served.

The Agent Services Division (hereinafter, "Agent Services") of the North Carolina Department of Insurance (hereinafter, the "Department") was present at the hearing and was represented by LaShawn Strange Piquant, Assistant Attorney General. Agent Services Agency Examiner Jeff Miller testified on behalf of Agent Services. Respondent Shaheed Payne (hereinafter, "Respondent"), was not present and did not testify or participate at the hearing.

Agent Services offered into evidence Exhibits 1 through 8, and said documents were admitted into evidence. Exhibits 1 and 2 were admitted for administrative purposes only.

At the close of its evidence, Agent Services moved to amend paragraphs 5 and 6 of the Notice of Hearing to conform to the evidence presented in Exhibit 7, the certified criminal records from Philadelphia, Pennsylvania criminal court. The undersigned hearing officer granted the motion to amend.

After careful consideration of the evidence and arguments presented, and based on the record as whole, the undersigned Hearing Officer hereby makes the following Findings of Fact and Conclusions of Law:

Findings of Fact

1. The Department is a state agency responsible for the enforcement of the insurance laws of North Carolina and for regulating and licensing insurance agents and business entities in accordance with Chapter 58 of the North Carolina General Statutes.
2. Respondent is a non-resident agent that resides in Philadelphia, Pennsylvania. Agent Services issued Respondent his Accident & Health or Sickness as well as Medicare Supplement Long Term Care licensure in October 2016. All licenses were subsequently renewed and are current.
3. Respondent applied for his non-resident agent licenses on or about October 28, 2016. On his application for licensure, Respondent answered "No" to the application questions regarding his criminal history, indicating that he was never convicted of a misdemeanor or felony.
4. Pursuant to certified court documents from the First Judicial District of Pennsylvania Criminal Trial Division, Respondent was convicted of the following misdemeanors and felonies in the City of Philadelphia Criminal Courts between 2000 and 2006:
 - On June 27, 2001, Respondent was convicted of two counts of Misdemeanor Unlawful Possession of a Firearm and two counts of Felony Possession of a Controlled Substance with Intent to Manufacture and Deliver by the Commonwealth of Pennsylvania, Philadelphia County (Docket Number CP-51-CR-030941-2001).
 - On October 20, 2006, Respondent was convicted of Felony Possession of Unlawful Controlled Substance with Intent to Manufacture and Deliver and Misdemeanor Possession of a Controlled by the Commonwealth of Pennsylvania, Philadelphia County (Docket Number CP-51-CR-0206071-2005).
 - On October 20, 2006, Respondent was convicted of Felony Possession of a Firearm without a License, Felony Carrying Firearm in Public and Misdemeanor Possession of Firearm Prohibited (Docket Number CP-51-CR-0702901-2005).
5. Respondent failed to disclose these convictions on his application for non-resident licensure.
6. Respondent did not disclose the existence of his criminal history on his application for licensure. Respondent misrepresented his criminal history on his application for licensure.
7. On or about March 19, 2018, the South Dakota Department of Labor and Regulation, Division of Insurance, (hereinafter, "SDDOI") denied Respondent's

application for licensure restatement on the grounds of providing incorrect, misleading, incomplete, or materially untrue information in his licensure application.

8. On or about November 26, 2018, the State of New Hampshire Insurance Department (hereinafter, "NHDOI") denied Respondent's application for licensure based on Respondent's failure to report the administrative action taken by SDDOI on his application for licensure.

9. Respondent did not report the administrative actions taken by SDDOI and NHDOI to Agent Services within 30 days after their final dispositions as required by N.C. Gen. Stat. § 58-33-32k.

Conclusions of Law

Based on the foregoing findings of fact, the undersigned concludes as a matter 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. §§ 58-2-50, 58-2-55, 58-33-46, 150B-38, 150B-40, and other applicable statutes and regulations.
2. Respondent was properly served with the Notice of Administrative Hearing in this matter.
3. Respondent's actions provide sufficient grounds for administrative action pursuant to N. C. Gen. Stat. § 58-33-46(a)(1) on the grounds that Respondent has provided materially incorrect, misleading, incomplete, materially untrue information in the license application.
4. Respondent's actions provide sufficient ground for administrative action pursuant to N. C. Gen. Stat. § 58-33-46(a)(2) on the grounds that Respondent has violated N.C. Gen. Stat. § 58-33-32(k) for failing to report administrative action against his insurance licenses issued by other states as required by statute.
5. Respondent's actions provide sufficient ground for administrative action pursuant to N. C. Gen. Stat. § 58-33-46(a)(3) on the grounds that Respondent obtained his insurance license through misrepresentation or fraud.
6. The Respondent's producer license should be revoked for these violations.

ORDER

Based upon the foregoing Findings of Fact and Conclusions of Law, it is hereby ORDERED that the non-resident insurance licenses issued to Shaheed Payne is revoked.

This 23rd day of August, 2019.



Robert D. Croom, Hearing Officer
N.C. Department of Insurance

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 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 Attorney for Respondent 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:

Shaheed Payne
5806 N. 12th Street
Philadelphia, PA 19141

Certified Mail Tracking Number: 70191120000089733872

LaShawn S. Piquant
Assistant Attorney General
N.C. Department of Justice
9001 Mail Service Center
Raleigh, NC 27699-9001
(*Attorney for Petitioner*)

This the 23rd day of August, 2019.


Mary Faulkner
Paralegal
N.C. Department of Insurance
General Counsel's Office
1201 Mail Service Center
Raleigh, NC 27699-1201