

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:	)	
SHIKERIA SIMMONS	)	Docket Number: 1951
	)	
Petitioner.	)	
	)	

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This matter was heard on Thursday, July 11, 2019, by the undersigned Hearing Officer, as designated by the Commissioner of Insurance pursuant to N.C. Gen. Stat §§ 58-2-50, 58-2-55, 58-71-80, 58-71-85, 150B-38, 150B-39, 150B-40, 150B-41, 150B-42, and 11 NCAC 1.0401 *et. seq.* and other applicable statutes and regulations. The administrative hearing was held in the Albemarle Building, located at 325 North Salisbury Street, Raleigh, Wake County, North Carolina. Assistant Attorney General Thomas Felling represented the North Carolina Department of Insurance, Bail Bond Regulatory Division (hereinafter “Respondent” or “BBRD”). Petitioner Shikeria Simmons (hereinafter, “Petitioner”) did not appear.

Due to the Petitioner’s failure to appear at the hearing, pursuant to 11 NCAC 01.0423(a)(1), the allegations of the Notice of Hearing may be taken as true or deemed to be proved without further evidence.

Based on the allegations set forth in the Notice of Hearing in this matter, 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 Petitioner pursuant to Rule 4 of the North Carolina Rules of Civil Procedure and N.C. Gen. Stat. §58-2-69(d).
2. Petitioner applied for licensure as a Surety Bondsman by the Department on or about September 14, 2018.
3. Petitioner’s application, dated September 14, 2018, answered no 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?”

4. On or about September 16, 2015, in Davidson County District Court file 14 CRD 52672, Petitioner pled no contest to, and was found guilty of, one count of misdemeanor possession or manufacture of fraudulent identification, a violation of N.C.G.S. 14-100.1(a).

5. As a result of Petitioner's criminal conviction as stated above, on October 15, 2018, BBRD sent Petitioner correspondence informing her that her application for licensure as a Surety Bondsman was denied because of a material misstatement, misrepresentation, or fraud in obtaining the license and a conviction of a crime involving dishonesty, breach of trust, or moral turpitude.

6. On October 26, 2018, Petitioner sent correspondence to BBRD requesting a review of the denial of her application.

7. On November 29, 2018, BBRD held a review hearing regarding the denial of Petitioner's application.

8. On December 17, 2018, BBRD sent correspondence to Petitioner informing her that her application was denied for the same reasons set forth in the prior correspondence dated October 15, 2018.

9. On January 7, 2019, Petitioner sent correspondence to BBRD requesting an administrative hearing to appeal the denial of her application for a Surety Bondsman license.

#### 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. §§ 58-2-55, 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.

2. Petitioner was properly served with the Notice of Hearing in this matter.

3. Pursuant to N.C. Gen. Stat. § 58-71-80(a)(3) the Commissioner may deny issuance of a bail bond license for a material misstatement, misrepresentation, or fraud in obtaining the license. Petitioner's failure to properly disclose her conviction for the crime of misdemeanor possession or manufacture of fraudulent identification on her application for licensure as a surety bondsman was a material misstatement and a misrepresentation on the application.

4. 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. The Petitioner's 2015 conviction of one count of misdemeanor possession or manufacture of fraudulent identification in Davidson County District Court file 14 CRD 52672 is a crime involving moral turpitude, dishonesty and/or breach of trust.

5. BBRD properly denied Petitioner's surety bail bond license application pursuant to N.C. Gen. Stat. § 58-71-80(a)(3) and N.C. Gen. Stat. § 58-71-80(a)(6) based on Petitioner's 2015 misdemeanor possession or manufacture of fraudulent identification conviction and her failure to properly disclose it on her application.

### ORDER

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

### APPEAL RIGHTS

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.**

This the 25<sup>th</sup> day of July, 2019.

  
Meghan Cook  
Hearing Officer  
N.C. Department of Insurance  
1201 Mail Service Center  
Raleigh, NC 27699-1201

**CERTIFICATE OF SERVICE**

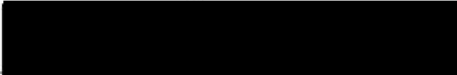
I HEREBY CERTIFY that I have this day served a copy of the foregoing **Order and Final Agency Decision** by mailing a copy of the same, via certified U.S. mail, return receipt requested; via first class U.S. mail to the Petitioner at the address provided to the Commissioner pursuant to N.C. Gen. Stat. § 58-2-69(b); and via State Courier to Attorney for Respondent addressed as follows:

Shikeria Simmons  
3633 CitiSide Dr., Apt 107  
Charlotte, NC 28215  
*(Petitioner)*

**Certified Mail Tracking Number:** 

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

This 25<sup>th</sup> day of July, 2019.

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