

NORTH CAROLINA DEPARTMENT OF INSURANCE
RALEIGH, NORTH CAROLINA

STATE OF NORTH CAROLINA
COUNTY OF WAKE
BEFORE THE
COMMISSIONER OF INSURANCE

IN THE MATTER OF:

THE LICENSE OF
CHAD MICHAEL SIMPSON, JR.
(NPN #17000490)

ORDER AND
FINAL AGENCY DECISION
Docket Number: 1839

Respondents.

THIS MATTER was heard on April 19, 2017 by the undersigned Hearing Officer, designated by the North Carolina Commissioner of Insurance ("Commissioner") under N.C. Gen. Stat. § 58-2-55, pursuant to a Notice of Hearing that was duly issued and served.

The Respondent, Chad Michael Simpson, Jr. (hereinafter "the Respondent"), failed to appear after being duly served with the notice of hearing.

The Agent Services Division ("ASD") of the North Carolina Department of Insurance ("NCDOT") was present at the hearing and was represented by Robert D. Croom, Assistant Attorney General. NCDOT employee Jeff O'Bannon testified at the hearing.

ASD offered into evidence the following Petitioner's Exhibits - A1, A2, A3, A4, 1, 2 and 3, which were admitted into evidence.

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

FINDINGS OF FACT

1. NCDOT is a state agency responsible, in accordance with Chapter 58 of the North Carolina General Statutes, for enforcement of the insurance laws of North Carolina and for regulating and licensing insurance agents.

2. Respondent is a citizen and resident of Ladera Ranch, Orange County, California.

3. Respondent currently holds a nonresident producer license issued by the Department with Life, and Accident & Health or Sickness lines of authority.
4. On January 14, 2015, Respondent was convicted of the misdemeanor offense of Criminal Threats in the Superior Court of California, Orange County, Case Number 14HM05773.
5. On or about April 21, 2015, Respondent submitted an application for a nonresident producer license (hereinafter "Respondent's application").
6. On Respondent's application, Respondent answered "no" to the first background question, "Have you ever been convicted of a misdemeanor, had a judgment withheld or deferred, or are you currently charged with committing a misdemeanor?"
7. Based on Respondent's application, a nonresident producer license was issued to him on April 21, 2015.
8. Agent Services Division learned about the misdemeanor criminal conviction (Case Number 14HM05773) on September 1, 2015 from a PIC alert.
1. This matter is properly before the Commissioner, and he has jurisdiction over the parties and the subject matter pursuant to N.C. Gen. Stat. §§ 58-2-50, 58-33-46, 150B-38 and 150B-40, and other applicable statutes and regulations.
2. Respondent was properly served with the Notice of Administrative Hearing in this matter.
3. Any finding of fact that also contains a conclusion of law is hereby adopted as a conclusion of law, and any conclusion of law that also contains a finding of fact is hereby adopted as a finding of fact.
4. N.C. Gen. Stat. § 58-33-46(a)(1) states that the Commissioner may place on probation, suspend, revoke, or refuse to renew any license issued under Chapter 58, Article 33 of the General Statutes for providing materially incorrect, misleading, incomplete, or materially untrue information in the license application.
5. By failing to disclose his January 14, 2015 misdemeanor conviction on Respondent's application, Respondent provided misleading and incomplete information in his license application, in violation of N.C. Gen. Stat. § 58-33-46(a)(1).
6. This violation is sufficient to support the revocation of the Respondent's producer license.

CONCLUSIONS OF LAW

7. 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 ORDERED that Respondent's license as a nonresident insurance producer be revoked.

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 01.0413 and N.C. Gen. Stat. § 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 21st day of April 2017.

A. John Hoomani, Hearing Officer
N.C. Department of Insurance

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, in a first-class postage prepaid envelope, and via State Courier, addressed as follows:

Chad Michael Simpson

1507 Gateway Pl.

Ladera Ranch, CA 92694-1844

Respondent

Robert D. Croom

Assistant Attorney General

N.C. Department of Justice - Insurance Section

P.O. Box 629

Raleigh, NC 27602

Attorney for Petitioner

This the 21st day of April, 2017.

[REDACTED]
A. John Hooman, Hearing Officer
N.C. Department of Insurance
1201 Mail Service Center
Raleigh, NC 27699-1201