

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

STATE OF NORTH CAROLINA	)	BEFORE THE COMMISSIONER OF
COUNTY OF WAKE	)	INSURANCE
	)	Docket Number: 1626
IN THE MATTER OF THE LICENSURE	)	
OF ROBERT STOCKHAM	)	
(NPN 6547175)	)	<b>ORDER AND FINAL AGENCY</b>
	)	<b>DECISION</b>
	)	
_____	)	

THIS CAUSE was heard on Thursday, April 19, 2012, by the undersigned hearing officer, designated by the Commissioner of Insurance pursuant to N.C.G.S. §58-2-55, pursuant to a notice of hearing that was duly issued and served.

The North Carolina Department of Insurance (hereinafter "Department") was present, represented by the Agent Services Division. The Department was represented by Assistant Attorney General Robert D. Croom.

Respondent, Robert Stockham (hereinafter "respondent"), was present and represented himself.

At the hearing, Tom West was called to testify for the Department, and Respondent testified on his own behalf.

The Department offered into evidence Administrative Exhibits A1 and A2 and Hearing Exhibits 1 through 15, and said documents were admitted into evidence. Respondent offered no exhibits into evidence.

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 on February 16, 2013.

2. Respondent currently holds a Medicare Supplement Long-Term Care agent/producer license issued by the Department. Respondent held this license at all times relevant to the allegations herein.

3. On February 20, 2012, in Person County Superior Court, Respondent was convicted of a total of six counts of misdemeanor larceny.

4. For each of the misdemeanor larceny convictions, it was alleged that Respondent took and carried away cash in the amount of \$200 from Cigna Insurance Company without the consent of the possessor and with the intent to deprive the possessor of its use permanently, knowing he was not entitled to it.

5. Petitioner testified that the charges boiled down to elderly people that forgot that he enrolled them into Medicare advantage plans.

6. As part of a plea agreement, Respondent entered a plea of guilty pursuant to *Alford* decision to the 6 counts of misdemeanor larceny.

7. Respondent understood that upon his "*Alford* guilty plea," he would be treated as being guilty whether or not he admitted that he was in fact guilty.

8. As part of the judgment entered against Respondent, the court ordered that Respondent be placed on supervised probation for 18 months and that his license shall be suspended during the period of his probation.

9. Respondent's license has already been suspended by Agent Services Division pursuant to the judgment of the court in the Respondent's misdemeanor larceny convictions.

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

#### **Conclusions of Law**

1. This matter is properly before the Commissioner. The Commissioner has jurisdiction over the parties and the subject matter pursuant to North Carolina General Statutes §§58-33-30, 58-33-46, 150B-38, 150B-40, 11 NCAC 1.0401 *et seq.* and other applicable statutes and regulations.

2. Respondent was properly served with the Notice of Administrative Hearing.

3. While Respondent's license has been suspended by the judgment entered in Person County Superior Court, the judgment does not affect the Commissioner's authority to take regulatory action against Respondent's license under the provisions of Chapter 58, Article 33 of the North Carolina General Statutes.

4. N.C.G.S. § 58-33-46(a)(6) states that the Commissioner may deny, suspend, revoke or refuse to renew any license for having been convicted of a felony, a misdemeanor involving dishonesty, a breach of trust, or a misdemeanor involving moral turpitude.

5. Respondent's misdemeanor larceny convictions involve dishonesty, in violation of N.C.G.S. § 58-33-46(a)(6).

6. Each misdemeanor larceny conviction, by itself, is a violation of N.C.G.S. § 58-33-46(a)(6).

7. Each violation of N.C.G.S. § 58-33-46(a)(6), by itself, is grounds for which a license may be suspended, revoked or not renewed.

8. N.C.G.S. § 58-33-46(a)(8) states that the Commissioner may deny, suspend, revoke or refuse to renew any license for using fraudulent, coercive, or dishonest practices, or demonstrating incompetence, untrustworthiness, or financial irresponsibility in the conduct of business in this State or elsewhere.

9. Respondent's convictions demonstrate Respondent used dishonest practices in the conduct of business in this State or elsewhere, in violation of N.C.G.S. § 58-33-46(a)(8).

10. Each misdemeanor larceny conviction, by itself, is a violation of N.C.G.S. § 58-33-46(a)(8).

11. Each violation of N.C.G.S. § 58-33-46(a)(8), is also sufficient to support revocation of Petitioner's licenses.

12. The hearing officer finds that Respondent's Medicare Supplement Long-Term Care agent/producer license issued by the Department should be revoked.

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

**Order**

It is hereby ordered that Robert Stockham's Medicare Supplement Long-Term Care agent/producer license is revoked.

This 28<sup>th</sup> day of May, 2013.



Stewart L. Johnson, Hearing Officer  
N.C. Department of Insurance  
1201 Mail Service Center  
Raleigh, NC 27699-1201

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 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 addressed as follows:

Robert Stockham  
8225 Coosa Ct.  
Raleigh, NC 27616

This the 29<sup>th</sup> day of May, 2013.



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