

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

STATE OF NORTH CAROLINA)	BEFORE THE COMMISSIONER OF
COUNTY OF WAKE)	INSURANCE
)	
IN THE MATTER OF SHAWN DAVID)	ORDER AND FINAL AGENCY
SULLIVAN)	DECISION
(NPN # 8393670))	Docket Number 1664
)	
)	

THIS CAUSE was heard on Wednesday, December 2, 2015, by the undersigned hearing officer, designated by the Commissioner of Insurance pursuant to North Carolina General Statute § 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, Shawn David Sullivan (hereinafter "Respondent"), was present and represented himself.

Before opening statements and before the presentation of evidence, the Department moved to amend the Amended Notice of Hearing to change "Testosterone Acetate" to "Trenbolone Acetate" where it appeared in the notice. The Department's motion to amend was granted.

At the hearing, Angela Hatchell, the Complaint Section Supervisor with Agent Services Division was called to testify for Agent Services Division. Respondent testified on his own behalf.

The Department offered into evidence Administrative Exhibits A1 through A8 and Hearing Exhibits 1 through 5 and said documents were admitted into evidence. Respondent offered no exhibits into evidence.

At the conclusion of the hearing, the matter was held open until December 31, 2015, to allow Respondent additional time to present evidence of a filed motion for appropriate relief regarding his criminal convictions.

Evidence of a filed motion for appropriate relief was not presented by December 31, 2015. However, counsel for Respondent in the criminal matters, Geoffrey Hosford, submitted a letter, dated January 7, 2016, to counsel for the Department, Robert D. Croom. The letter explained why a motion for relief had not been filed yet and would not be filed in the near future. By agreement of the parties, the letter has been made a part of the record and is entered into evidence as Respondent's Exhibit 1.

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 the Respondent on September 19, 2014 and received by Respondent on September 25, 2014.

2. Respondent currently holds a surety bail bondsman license and a bail bond runner license issued by the Department. Respondent held these licenses at all times relevant to the allegations herein.

3. On January 15, 2013, Respondent was convicted of the following felony offenses in New Hanover County Superior Court:

- 10 CRS 60224: Sale or Delivery of a Schedule III Controlled Substance (Testosterone Enanthate)

Possession with Intent to Manufacture, Sell or Deliver a Schedule III Controlled Substance (Trenbolone Enanthate)

- 10 CRS 60234: Sale or Delivery of a Schedule III Controlled Substance (Testosterone Acetate)

Possession with Intent to Manufacture, Sell or Deliver a Schedule III Controlled Substance (Trenbolone Acetate)

4. The convictions for these offenses were upheld by the Court of Appeals in a decision filed on July 7, 2015 in State v. Sullivan, COA14-1380.

5. Respondent testified at the hearing that a motion for appropriate relief was going to soon be filed regarding the convictions in 10 CRS 60224 and 10 CRS 60234.

6. Respondent was given until December 31, 2015 to provide evidence that a motion for appropriate relief had been filed in those matters.

7. No motion for appropriate relief was filed by December 31, 2015.

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 §58-71-80, 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. Pursuant to N.C.G.S. § 58-71-80(a)(6), the Commissioner may deny, place on probation, suspend, revoke, or refuse to renew any license under this Article for conviction of a crime involving dishonesty, breach of trust, or moral turpitude.

4. Following the Court of Appeals decision in Dew v. State ex rel. North Carolina DMV, 127 N.C. App. 309, 311, 488 S.E.2d 836, 838 (1997), possession with intent to sell or deliver a controlled substance and sale or delivery of a controlled substance are crimes involving moral turpitude.

5. The offenses Respondent was convicted of are crimes involving moral turpitude, in violation of N.C.G.S. §58-71-80(a)(6).

6. Each felony conviction, by itself, is a violation of N.C.G.S. §58-71-80(a)(6).

7. Pursuant to N.C.G.S. § 58-71-80(b), the Commissioner shall deny, revoke, or refuse to renew any license under this Article if the applicant or licensee is or has ever been convicted of a felony.

8. The offenses Respondent was convicted of are felonies, in violation of N.C.G.S. §58-71-80(b).

9. Each felony conviction, by itself, is a violation of N.C.G.S. §58-71-80(b).

10. Pursuant to N.C.G.S. § 58-71-82, “[i]f an individual holds a professional bondsman’s license or a runner’s license and a surety bondsman’s license simultaneously, they are considered one license for the purpose of disciplinary actions involving suspension, revocation, or nonrenewal under [Chapter 58, Article 71 of the General Statutes].”

11. The hearing officer concludes that Respondent’s surety bail bondsman license and bail bond runner license 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 Shawn David Sullivan's surety bail bondsman license and bail bond runner license are revoked.

This, the 23rd day of February, 2016.



Sherri L. Hubbard
Hearing Officer and Special Counsel
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, in a first class postage prepaid envelope and via State Courier addressed as follows:

Shawn David Sullivan
411 Putnam Drive
Wilmington, North Carolina 28411-7256

Robert D. Croom
Assistant Attorney General
North Carolina Department of Justice
Insurance Section
Post Office Box 629
Raleigh, North Carolina 27602-0629

This the 23rd day of February, 2016.



Mary Faulkner
Paralegal to the General Counsel
North Carolina Department of Insurance
1201 Mail Service Center
Raleigh, North Carolina 27699-1201