

NORTH CAROLINA DEPARTMENT OF INSURANCE
RALEIGH, NORTH CAROLINA

STATE OF NORTH CAROLINA)	BEFORE THE COMMISSIONER OF
COUNTY OF WAKE)	INSURANCE
)	
IN THE MATTER OF DANIEL J.)	ORDER AND FINAL AGENCY
WILHELM)	DECISION
(NPN # 13683712))	
)	Docket Number 1790
)	
_____)	

THIS CAUSE was heard on Tuesday, December 8, 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, Daniel J. Wilhelm (hereinafter "Respondent"), failed to appear after being duly served with the notice of hearing.

At the hearing, Tommy Walls, a Complaint Analyst with Agent Services Division was called to testify for Agent Services Division.

The Department offered into evidence Administrative Exhibits A1 through A3 and Hearing Exhibits 1 through 10 and said documents were admitted 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 Amended Notice of Administrative Hearing was properly served on the Respondent on October 14, 2015 and received by Respondent on October 20, 2015.
2. Respondent currently holds a non-resident producer license with a Life line of authority.
3. Respondent applied for his non-resident producer license on April 8, 2014.
4. For the non-resident producer license there is an application fee of \$100.00 and National Insurance Producer Registry (NIPR) processing fee of \$6.18.

5. On April 18, 2014, NIPR attempted to settle the transaction and received a notification from UMB (NIPR's bank) that Respondent had insufficient funds to pay the license fees associated with this transaction.

6. After April 18, 2014, first NIPR and then Mr. Walls, on behalf of Agent Services Division, made multiple attempts to get Mr. Wall to pay the \$106.18 due.

7. Respondent failed to pay the application fee of \$100.00 and NIPR processing fee of \$6.18 to the Department for the year of 2014.

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 §§ 58-33-46, 150B-38, 150B-40, 11 NCAC 1.0401 et seq. and other applicable statutes and regulations.

2. Petitioner was properly served with the Amended Notice of Administrative Hearing.

3. Pursuant to N.C.G.S. § 58-33-46(a)(8), the Commissioner may place on probation, 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.

4. Respondent demonstrated incompetence, untrustworthiness, and financial irresponsibility in the conduct of business in this State or elsewhere, in violation of N.C.G.S. § 58-33-46(a)(8), by failing to pay his application fee and NIPR processing fee for the year of 2014.

5. The evidence presented at the hearing, in the form of testimony and the exhibits introduced, is sufficient to support a revocation of Respondent's license.


6. The hearing officer finds that the Respondent's non-resident producer license should be revoked for this violation.

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

Order

It is hereby ordered that Daniel J. Wilhelm's non-resident producer license is revoked.

This the 2nd day of February, 2016.



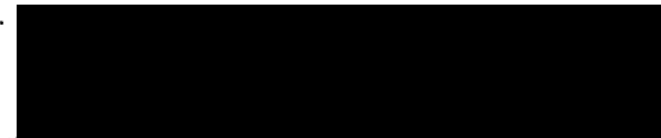
Stewart Johnson, Hearing Officer
N.C. Department of Insurance
1201 Mail Service Center
Raleigh, NC 27699-1201

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, in a first class postage prepaid envelope addressed as follows:

Daniel J. Wilhelm
306 Cove Ln.
Beach Haven, NJ 08008-1817

This the 3rd day of February, 2016.



Robert D. Croom
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North Carolina Department of Justice
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