

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

STATE OF NORTH CAROLINA

**BEFORE THE COMMISSIONER
OF INSURANCE**

COUNTY OF WAKE

**IN THE MATTER OF
THE LICENSURE OF
RICHARD V. WILSON**

**ORDER AND FINAL AGENCY
DECISION**

Docket Number: 1817

THIS matter was heard on Wednesday, January 25, 2017, by the undersigned Hearing Officer, designated by the Commissioner of Insurance (hereinafter "Commissioner") under N.C. Gen. Stat. § 58-2-55, pursuant to a Notice of Hearing that was duly issued and served.

The North Carolina Department of Insurance Agent Services Division (hereinafter, "Agent Services") was represented by Assistant Attorney General M. Denise Stanford. Agent Services Complaint Analyst Jeffrey O'Bannon testified on behalf of Agent Services.

Respondent Richard V. Wilson (hereinafter "Respondent"), was not present and was not represented by counsel.

The Department offered into evidence Exhibits 1 through 8, 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 Respondent on December 20, 2016. The Amended Notice of Administrative Hearing and Affidavit of Service were admitted into evidence as Exhibits 1 and 2, with attachments 2A and 2B.
2. At all relevant times herein, Respondent held a Non-resident Producer License ("License") with lines of authority in Casualty and Property, License number 0001957456. A copy of the Licensee Summary was admitted into evidence as Exhibit 3.
3. On September 17, 2010, Respondent applied for a North Carolina Non-resident Producer License. A copy of the application was admitted into evidence as Exhibit 4.

4. On the application, Respondent answered "no" in response to question number 1 of the application, "Have you ever been convicted of a crime, had a judgment withheld or deferred, or are you currently charged with committing a crime?" Respondent failed to disclose on the application an October 7, 2009 conviction for improper handling of a firearm in a motor vehicle. A certified copy of the criminal complaint, affidavit, and disposition were admitted into evidence as Exhibit 5.

5. On February 5, 2013, Respondent was convicted in federal court of conspiracy to distribute/possess with intent to distribute cocaine and cocaine base (crack), a felony. A copy of the judgment in the criminal case was admitted into evidence as Exhibit 6.

6. Respondent did not notify the Commissioner in writing within ten (10) days after the date of conviction of the crime.

7. On February 25, 2015, the Department of Insurance of the State of Ohio took administrative action against Respondent by fining him \$1500.00. The administrative action was served on Respondent on February 27, 2015. A certified copy of the Notice of Opportunity for Hearing and Order from the Department of Insurance of the State of Ohio were admitted into evidence as Exhibit 7.

8. On November 13, 2015, the Insurance Department of the State of Delaware took administrative action against Respondent by revoking his producer license and fining him \$500.00. A certified copy of the Final Decision and Order from the Insurance Department of the State of Delaware was admitted into evidence as Exhibit 8.

9. Respondent did not report the administrative actions taken by the Department of Insurance of the State of Ohio and the Insurance Department of the State of Delaware to the Commissioner within thirty (30) days after final disposition of the matters.

Conclusions of Law

1. This matter is properly before the Commissioner. The Commissioner has jurisdiction over the parties and the subject matter pursuant to Chapter 58 of the North Carolina General Statutes.

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

3. N.C. Gen. Stat § 58-33-46(a)(1) authorizes the Commissioner to take disciplinary action against a license holder if the licensee has provided materially incorrect, misleading, incomplete, or materially untrue information in the license application.

4. Respondent's failure to disclose on his licensure application the October 7, 2009 conviction for improper handling of a firearm in a motor vehicle subjects his License to disciplinary action pursuant to N.C. Gen. Stat. § 58-33-46(a)(1).

5. N.C. Gen. Stat. § 58-2-69(c) requires a licensee to notify the Commissioner in writing within 10 (ten) days after the date of a conviction of any crime or offense other than a motor vehicle infraction.

6. Respondent's failure to notify the Commissioner in writing within ten (10) days of the February 5, 2013 conviction in federal court of conspiracy to distribute/possess with intent to distribute cocaine and cocaine base (crack), a felony, constituted a violation of N.C. Gen. Stat. § 58-2-69(c).

7. N.C. Gen. Stat. § 58-33-46(a)(6) authorizes the Commissioner to take disciplinary action against a license holder if the licensee has been convicted of a felony or a misdemeanor involving dishonesty, a breach of trust, or moral turpitude.

8. Respondent's conviction in federal court of conspiracy to distribute/possess with intent to distribute cocaine and cocaine base (crack), a felony, subjects his License to disciplinary action pursuant to N.C. Gen. Stat. § 58-33-46(a)(6).

9. N.C. Gen. Stat. § 58-33-32(k) requires a producer to report to the Commissioner any administrative action taken against the producer in another state by another governmental agency in this State within thirty (30) days after the final disposition of the matter.

10. Respondent's failure to report to the Commissioner the administrative actions taken against him by the Department of Insurance of the State of Ohio and the Insurance Department of the State of Delaware constituted violations of N.C. Gen. Stat. § 58-33-32(k).

11. N.C. Gen. Stat. § 58-33-46(a)(2) authorizes the Commissioner to take disciplinary action against a license holder if the licensee has violated any insurance law of this or any other state, violated any administrative rule, subpoena, or order of the Commissioner or of another state's insurance regulator, or violated any rule of FINRA.

12. Respondent's violations of N.C. Gen. Stat. §§ 58-2-69(c) and 58-33-32(k) subject his License to disciplinary action pursuant to N.C. Gen. Stat. § 58-33-46(a)(2).

Order

Based on the foregoing Findings of Fact and Conclusions of Law, it is ORDERED that Respondent's Non-resident ~~Pro~~ License is hereby **REVOKED**.

This the 30th day of July, 2017.



HARRISON, Hearing Officer
North Carolina Department of Insurance

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.


DISCLAIMER: Be aware that if a state or federal regulator other than the N. C. Department of Insurance has issued an occupational or professional license to you, that regulator may require you to report this administrative action to it. The N.C. Department of Insurance cannot give you legal advice as to the specific reporting requirements of other state or federal regulators.

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 same by certified mail, return receipt requested in an envelope addressed to the Respondent as follows:

Richard V. Wilson
1854 Grasmere Ave.
E. Cleveland, OH 44112-3412

This the 30th day of January, 2017.


M. Denise Stanford
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