

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

STATE OF NORTH CAROLINA)	BEFORE THE
COUNTY OF WAKE)	COMMISSIONER OF INSURANCE
)	
)	
IN THE MATTER OF:)	ORDER AND
)	FINAL AGENCY DECISION
THE LICENSURE OF)	
EDWARD ALSTON, JR.)	
)	Docket Number: 1913
)	
Petitioner.)	
)	

This matter was heard on Wednesday, November 7, 2018, by the undersigned Hearing Officer, as designated by the Commissioner of Insurance pursuant to N.C. Gen. Stat. § 58-2-55. The administrative hearing was held in the Albemarle Building, located at 325 North Salisbury Street, Raleigh, Wake County, North Carolina. Special Deputy Attorney General Denise Stanford represented the North Carolina Department of Insurance, Bail Bond Regulatory Division (hereinafter "Respondent" or "BBRD"). Petitioner Edward Alston, Jr. (hereinafter, "Petitioner") did not appear.

Due to the Petitioner's failure to appear at the hearing, pursuant to 11 NCAC 01.0423(a)(1), the allegations of the Notice of Hearing may be taken as true or deemed to be proved without further evidence.

Based on the allegations set forth in the Notice of Hearing in this matter, 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 Petitioner pursuant to N.C. Gen. Stat. §58-2-69(d).

2. The Petitioner was formerly licensed as a surety bail bondsman with the Department from on or about August 14, 2013 until on or about June 30, 2015, when his license expired and was not timely renewed.
3. The Petitioner applied to the Department for a surety bail bondsman license on or about May 2, 2018 after completing at least 12 hours of pre-licensing education.
4. On the bail bondsman license application (hereinafter, "license application"), which was submitted online, the Petitioner answered "Yes" to the application question which asked, "Have you ever been convicted, or are you currently charged with committing a crime, whether or not adjudication was withheld?" Petitioner attached documentation to the application related to the criminal conviction as required, indicating that the criminal conviction related to Petitioner's former employment with Select Auto Sales in Roanoke Rapids, N.C.
5. On or about November 2, 2016, Petitioner pled guilty to Misdemeanor Larceny in Halifax County Superior Court file 14 CRS 052990, with an offense date of July 8, 2014. Petitioner was initially subject to court costs and restitution totaling \$2,562.07. On July 20, 2017, Petitioner's probation was modified to add a \$360 arrearage fee, bringing the balance owed to the court by the Petitioner as of that date to \$2,922.07. Petitioner had not repaid the debt owed to Halifax County Superior Court related to his conviction for misdemeanor larceny as of August 16, 2018.
6. As a result of Petitioner's criminal convictions and civil judgments as stated above, BBRD denied Petitioner's bail bondsman license application. Petitioner thereafter requested a review of this license denial, and on July 12, 2018, BBRD met with the Petitioner for a conference regarding the denial.
7. Following the July 12, 2018 informal conference, BBRD declined to reverse its decision to deny Petitioner's bail bond license application and sent him a letter notifying him that his license denial was being upheld. Petitioner thereafter requested an administrative hearing regarding the denial of his bail bond license.

Conclusions of Law

1. This matter is properly before the Commissioner, and the Commissioner has jurisdiction over the parties and the subject matter pursuant to N. C. Gen. Stat. §§ 58-71-80, 150B-38 and 150-40, as well as 11 N.C.A.C. 10401 *et seq.* and other applicable statutes and regulations.


2. Pursuant to 11 NCAC 01.0423(a)(1), as sanction for Petitioner's failure to appear at the hearing, the allegations of the Notice of Hearing may be taken as true or deemed to be proved without further evidence.
3. Pursuant to N.C. Gen. Stat. § 58-71-80(a)(6) the Commissioner may deny issuance of a bail bond license for conviction of a crime involving dishonesty, breach of trust, or moral turpitude. The Petitioner's 2016 conviction for misdemeanor larceny in Halifax County Superior Court file 14 CRS 052990 is a crime involving moral turpitude, dishonesty and/or breach of trust.
4. BBRD properly denied Petitioner's surety bail bond license application pursuant to N.C. Gen. Stat. § 58-71-80(a)(6) based on Petitioner's 2016 misdemeanor larceny conviction.

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

Order

It is ordered that the Bail Bond Regulatory Division's denial of Petitioner's application for a surety bail bond license be UPHELD, and that no license shall be issued to him.

This the 14th day of November, 2018.


Meghan Cook, Hearing Officer
N.C. Department of Insurance

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 11. NCAC 01.0413 and N.C. Gen. Stat. § 1 A-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, including explicitly stating what exceptions are taken to the decision or procedure and what relief the petitioner seeks, and requires service of the Petition by personal service or by certified mail upon all who were parties of record to the administrative proceedings. 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.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I have this day served the foregoing Order and Final Agency Decision by a certified U.S. Postal Service mail, return receipt requested, first class postage prepaid, addressed as follows:

Mr. Edward Alston, Jr. (Petitioner)
420 Greystone Road
Henderson, NC 27537

Certified Mail Tracking Number: 70170530000073199866

This the 14th day of November, 2018.

[REDACTED]

Mary Faulkner
Paralegal
N.C. Department of Insurance - Administration
General Counsel's Office
1201 Mail Service Center
Raleigh, NC 27699-1201