

**NORTH CAROLINA DEPARTMENT OF INSURANCE  
RALEIGH, NORTH CAROLINA  
DOCKET NO. 1818**

**STATE OF NORTH CAROLINA  
COUNTY OF WAKE**

**BEFORE THE COMMISSIONER  
OF INSURANCE**

**IN THE MATTER OF  
THE LICENSURE OF  
BEJAY BARBER  
(NPN#17352159)**

**ORDER AND FINAL AGENCY  
DECISION**

This matter was heard on Thursday, January 19, 2017, 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 Room #3099 of the Dobbs Building, located at 430 North Salisbury Street, Raleigh, Wake County, North Carolina. Assistant Attorney General LaShawn S. Piquant represented the North Carolina Department of Insurance, Agent Services Division (hereinafter, "Agent Services"). Licensee Bejay Barber (hereinafter, "Respondent") was not present for the proceeding.

After careful consideration of the evidence and the 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. This matter was originally noticed for hearing on December 1, 2016. Service was not complete at that time. An Amended Notice of Hearing was issued and served on Respondent by U.S. Mail pursuant to N.C. Gen. Stat. § 58-2-69 at the residential address provided by Respondent to Agent Services: Bejay Barber, 8114 Ship Street, Apt. 1111, Charlotte, North Carolina 28269.
2. The amended notice was also emailed to [Bejayb2001@gmail.com](mailto:Bejayb2001@gmail.com). Respondent responded to the email indicating to Agent Services that he was in receipt of the amended notice and would not be attending the hearing. He also requested that his insurance licenses be suspended.
3. On or about October 10, 2014, Respondent was issued his Property and Casualty insurance producer licenses by Agent Services. Respondent's licenses have currently lapsed. However, pursuant to 11 N.C.A.C. 06A.0811 and N.C. Gen. Stat. §58-33-130(c), Respondent's licenses may be re-instated by paying fees owed and completing continuing education.
4. Respondent applied to the State of Wisconsin Office of Commissioner of Insurance (hereinafter, "Wisconsin") for insurance agent licensure. On October 28, 2014,

Wisconsin notified Respondent of the application denial stating that the denial was based on Respondent being “convicted of a felony or misdemeanor which appears to be based on actions substantially related to activities and character required of agents....”

5. Respondent failed to timely report the administrative action involving Wisconsin’s application denial to Agent Services.
6. The State of Washington Office of the Insurance Commissioner (hereinafter, “Washington”) issued an Order to Cease and Desist dated April 21, 2016, ordering Respondent to cease and desist from unauthorized insurance business in the state. Specifically, Respondent was ordered to immediately cease and desist from: a) engaging in or transacting the unauthorized business of insurance or acting as an unregistered service contract provider in the State of Washington; b) seeking, pursuing and obtaining any insurance or service contract business in the State of Washington; 3) soliciting Washington residents to sell any insurance or service contract issued or to be issued by an unauthorized insurer or unregistered service contract provider; and 4) soliciting Washington residents to entice them to purchase any insurance contract or service contract.
7. Respondent failed to timely report the administrative action taken by Washington to Agent Services.
8. North Carolina General Statutes § 58-33-32(k) provides that “a producer shall report to the Commissioner any administrative action taken against the producer in another state . . . within 30 days after the final disposition of the matter.”
9. Respondent did not report the two administrative actions as required by N.C. Gen. Stat. § 58-33-32(k). In both instances, information was not reported to Agent Services within 30 days of the final disposition of the administrative action.
10. Respondent was convicted of twelve (12) counts of N.C. Gen. Stat. § 14-117 False Advertising in Cabarrus County Superior Court on January 27, 2016. Certified court records show that for case docket numbers 11CRS050248 through 11CRS050257, 11CRS050379, 11CRS050380, Respondent pled guilty to twelve counts, and the cases were consolidated into two counts of fraudulent and deceptive advertising. Respondent was sentenced to a non-active sentence of twenty-four (24) months of supervised probation, with restitution to approximately seven (7) victims and court costs in the amount of \$7,002.50.
11. Respondent’s misdemeanor convictions of False Advertising and/or Fraudulent and Deceptive Advertising are crimes involving dishonesty, breach of trust, and moral turpitude. Certified court documents indicate that Respondent advertised scholarships for participation in a competitive association run by Respondent “which enticed the public into paying fees in order to participate. The scholarships were never paid.”
12. N.C. Gen. Stat. § 58-2-69(c) provides that “if a licensee is convicted in any court of



competent jurisdiction for any crime or offense other than a motor vehicle infraction, the licensee shall notify the Commissioner in writing of the conviction within 10 days after the date of the conviction. As used in this subsection, 'conviction' includes an adjudication of guilt, a plea of guilty, or a plea of nolo contendere."

13. Respondent failed to notify Agent Services of the criminal convictions as required pursuant to N.C. Gen. Stat. § 58-2-69(c).

### **Conclusions of Law**

1. This matter is properly before the North Carolina Commissioner of Insurance (hereinafter "Commissioner"), and the Commissioner has jurisdiction over the parties and the subject matter pursuant to N. C. Gen. Stat. §§ 58-33-46, as well as 11 N.C.A.C. 10401 *et seq.* and other applicable statutes and regulations.
2. The Notice of Hearing was properly served pursuant to N.C. Gen. Stat. § 58-2-69. Respondent's email correspondence about the hearing also demonstrates actual notice of the hearing. Respondent also provided written notice to Agent Services of his intended absence at the hearing.
3. Any finding of fact that also contains a conclusion of law is hereby adopted as a conclusion of law, and any conclusion of law that also contains a finding of fact is hereby adopted as a finding of fact.
4. N.C. Gen. Stat. § 58-33-46(a)(2) provides that the Commissioner may place on probation, suspend, revoke or refuse to renew any license for "violating any insurance law of this or any other state, violating any administrative rule, subpoena, or order of the Commissioner or of another state's insurance regulator, or violating any rule of the FINRA."
5. N.C. Gen. Stat. § 58-33-46(a)(6) provides that the Commissioner may place on probation, suspend, revoke or refuse to renew any license for "having been convicted of a felony or a misdemeanor involving dishonesty, a breach of trust, or moral turpitude."
6. N.C. Gen. Stat. § 58-33-46(a)(8) provides that the Commissioner may place on probation, 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."
7. There are sufficient grounds for suspension, probation, revocation or nonrenewal of Respondent's licenses as set out in N.C. Gen. Stat. §§ 58-33-46, 58-33-32, and 58-2-69(c).
8. Respondent is in violation of N.C. Gen. Stat. § 58-33-32(k) by failing to timely report administrative actions by both Washington and Wisconsin insurance licensing agencies. Respondent's failure to timely report administrative action taken by the insurance licensing agencies in the states of Washington and Wisconsin within thirty (30) days of

the final disposition provide substantial grounds for administrative action by the Department pursuant to N.C. Gen. Stat. § 58-33-46(a)(2).

9. Respondent is in violation of N.C. Gen. Stat. § 58-2-69(c) by failing to notify the Commissioner of Insurance of his criminal convictions. His failure to report criminal convictions provides substantial grounds for administrative action by the Department pursuant to N.C. Gen. Stat. § 58-33-46(a)(2).
10. Respondent's violations of N.C. Gen. Stat. §§ 58-33-32(k) and 58-2-69(c) provide sufficient grounds for administrative action to be taken against his insurance licenses pursuant to N.C. Gen. Stat. § 58-33-46(a)(2).
11. Respondent's criminal convictions for N.C. Gen. Stat. § 14-117 False Advertising are convictions of crimes of dishonesty, breach of trust and moral turpitude and provide sufficient grounds for the revocation of his insurance licenses pursuant N.C. Gen. Stat. § 58-33-46(a)(6).
12. Respondent's criminal convictions for N.C. Gen. Stat. § 14-117 False Advertising provide sufficient grounds for administrative action to be taken against his insurance licenses for using fraudulent and dishonest practices and demonstrating untrustworthiness and financial irresponsibly in the conduct of business in this State or elsewhere pursuant to N.C. Gen. Stat. § 58-33-46(a)(8).
13. The evidence presented at the hearing, in the form of testimony and the exhibits introduced, is sufficient to support adverse action against Respondent's licenses.
14. Respondent's licenses should be revoked.

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

#### **Order**

Respondent Bejay Barber's insurance producer licenses are hereby revoked.

This the 30<sup>th</sup> day of January, 2017.



Stewart Johnson, Hearing Officer  
N.C. 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.

**CERTIFICATE OF SERVICE**

I hereby certify that I have this day served the foregoing **Order and Final Agency Decision** by U.S. mail, first class postage prepaid, addressed as follows:

Bejay Barber  
8114 Ship Street  
Apt. 1111  
Charlotte, NC 28269

This the 1<sup>st</sup> day of February, 2017.



Lashawn S. Piquant  
Assistant Attorney General  
N.C. Department of Justice  
P.O. Box 629  
Raleigh, NC 27602  
(919)716-6610  
[lpiquant@ncdoj.gov](mailto:lpiquant@ncdoj.gov)