

NORTH CAROLINA DEPARTMENT OF INSURANCE
RALEIGH, NORTH CAROLINA

STATE OF NORTH CAROLINA
COUNTY OF WAKE

BEFORE THE
COMMISSIONER OF INSURANCE

IN THE MATTER OF:

THE LICENSURE OF
LEROY EDOUARZIN

Applicant.

)
)
)
)
)
)
)

ORDER AND
FINAL AGENCY DECISION

Docket Number: 2288

THIS MATTER was heard on May 21, 2025, by the undersigned Hearing Officer, as designated by the North Carolina Commissioner of Insurance ("Commissioner") pursuant to N.C. Gen. Stat. § 58-2-55 and other applicable statutes and regulations. The administrative hearing was held in the North Carolina Department of Insurance's Hearing Room, Room # 211, located at 3200 Beechleaf Court, Raleigh, Wake County, North Carolina.

Petitioner, the Agent Services Division of the North Carolina Department of Insurance ("Petitioner" or "Agent Services"), was present and represented by Assistant Attorney General, Kristin K. Mullins. Applicant, Leroy Edouarzin ("Applicant") did not appear at the hearing and was not represented by counsel at the hearing.

Dawne Pittman ("Ms. Pittman"), Licensing Regulatory Analyst with Agent Services, appeared and testified on behalf of the Petitioner.

Petitioner's Exhibits 1-11 were admitted into evidence as full exhibits with redactions from Petitioner's Exhibits 3 and 4.

The Petition for Administrative Hearing alleged that Applicant requested a hearing following the denial of his application for a resident insurance producer license pursuant to N.C. Gen. Stat. § 58-33-30.

BASED UPON careful consideration of the documentary and testimonial evidence presented at the hearing, and upon the entire record in the proceeding, the undersigned Hearing Officer hereby makes the following Findings of Fact and Conclusions of Law:

FINDINGS OF FACT

1. The North Carolina Department of Insurance (“NCDOI”) is a state agency responsible for enforcement of the insurance laws of North Carolina and for regulating and licensing insurance producers, in accordance with Chapter 58 of the North Carolina General Statutes.

2. The Notice of Administrative Hearing (“Notice”) and Petition for Administrative Hearing (“Petition”) were properly served on Applicant by depositing in the United States Postal Service via first-class mail and via certified mail, return receipt requested, at the address Applicant provided to the Commissioner pursuant to N.C. Gen. Stat. §§ 58-2-69(b), (d) and (e) and Rule 4 of the North Carolina Rules of Civil Procedure. *See* Pet’r’s Exs. 1-3. The Notice and Petition were delivered via certified mail to the address Applicant provided on April 30, 2025. *See* Pet’r’s Ex. 2.

3. On April 16, 2024, Applicant submitted an application to the NCDOI for a resident insurance producer license with lines of authority in Life (“Application”). On his application, Applicant answered “No” to the background question which asked, “Have you ever been convicted of a misdemeanor, had a judgment withheld or deferred, or are you currently charged with committing a misdemeanor?” and he answered “Yes” to the background question which asked, “Have you ever been convicted of a felony, had a judgment withheld or deferred, or are you currently charged with committing a felony?” *See* Pet’r’s Ex. 3.

4. Applicant submitted a certified criminal record search performed by Mecklenburg County, North Carolina which confirmed that Applicant had felony and misdemeanor convictions, all of which were related to an incident that occurred on September 20, 2016. *See* Pet’r’s Ex. 4. These past criminal convictions include:

- a. February 1, 2018 felony conviction for discharging a weapon in an occupied property causing serious bodily injury (N.C.G.S. § 14-34.1(c));
- b. February 1, 2018 felony conviction for discharging a firearm and inciting fear (N.C.G.S. § 14-34.10);
- c. February 1, 2018 felony conviction for assault with a deadly weapon with intent to kill (N.C.G.S. § 14-32(c));
- d. February 1, 2018 felony conviction for discharging a barreled weapon or forearm into an occupied dwelling or occupied conveyance in operation (N.C.G.S. § 14-34.1(b)); and
- e. February 1, 2018 misdemeanor conviction for assault with a deadly weapon with a minor present (N.C.G.S. § 14-33(d)).

5. Applicant submitted documentation regarding these criminal convictions, along with a personal statement. *See* Pet'r's Ex. 3A. The court records from Mecklenburg County included additional multiple misdemeanors and one felony, from 2010 through 2014, which were voluntarily dismissed. *See* Pet'r's Ex. 4.

6. In Applicant's personal statement, he described his version of the events that occurred on September 20, 2016, which led to him ultimately being convicted of multiple felonies on February 1, 2018. *See* Pet'r's Ex. 3A. Applicant indicated that prior to this incident, at the age of 27, he had no prior convictions and was an honest, accountable, and hard-working individual. *Id.* Regarding the incident on September 20, 2016, Applicant stated he mishandled a firearm that fired and grazed his girlfriend. *Id.* Applicant explained that while being incarcerated for five (5) months, he learned to serve others and work to improve himself. *Id.* Applicant has maintained full time employment as a box truck driver. *Id.* Applicant has had no criminal activity since his last felony conviction.

7. Dawne Pittman works as a Licensing Regulatory Analyst with Agent Services and handles license application reviews as one of her primary job duties. She handled Applicant's Application from the initial review all the way through the hearing.

8. Agent Services reviewed the documents Applicant submitted along with his Application and put together a checklist highlighting the factors to consider when evaluating the effects of the prior criminal history on the application pursuant to N.C. Gen. Stat. § 93B-8.1(b). *See* Pet'r's Ex. 5. It was determined that due to the nature of the crimes committed by Applicant, which resulted in his felony convictions, there was no need for Applicant to submit a 1033 waiver pursuant to 18 U.S.C. § 1033(e)(1)(a). *Id.*

9. On June 13, 2024, Agent Services made the determination to deny Applicant's Application due to Applicant's felony and misdemeanor convictions. Agent Services took into consideration the level and seriousness of the criminal convictions, the violent nature of the criminal convictions, and Applicant's age when the crime occurred. *See* Pet'r's Ex. 5. Additionally, Agent Services considered that although the offense occurred in 2016, Applicant was convicted in 2018 and then served his sentence of five months incarceration. *Id.*

10. On June 13, 2024, Agent Services sent correspondence to Applicant via e-mail and first-class mail notifying Applicant that his Application is denied based on N.C. Gen. Stat. §§ 58-33-46(a)(1) and (a)(6). *See* Pet'r's Ex. 6. Thereafter, Applicant made a timely request for a denial review pursuant to N.C. Gen. Stat. § 58-33-30(g). *See* Pet'r's Ex. 7.

11. On June 27, 2024, Agent Services sent correspondence to Applicant via e-mail and first-class mail notifying Applicant that a denial review was scheduled for

July 11, 2024, at 11:30a.m. *See* Pet'r's Ex. 8.

12. On July 11, 2024, the requested denial review meeting occurred with Applicant in attendance, as well as Ms. Pittman on behalf of Agent Services. At the denial review meeting, Applicant was given the opportunity to present his personal statement and oral testimony in support of his application for a resident insurance producer license. *See* Pet'r's Ex. 11.

13. Following the denial review, Agent Services carefully reviewed the statements and documents presented by Applicant, including his prior criminal convictions and written explanations regarding the convictions. Agent Services decided to uphold the denial of Applicant's Application following the denial review. The factors that guided Agent Services' decision were Applicant's multiple criminal convictions within the last ten years, multiple felony criminal convictions, multiple criminal convictions involving a violent offense, and a misdemeanor that he failed to disclose on his Application, resulting in materially incorrect, misleading, incomplete, or materially untrue information in the license application.

14. On July 11, 2024, Agent Services sent correspondence to Applicant notifying him that his Application remained denied following the denial review based on the reasons initially set forth in Agent Services' letter dated June 13, 2024. *See* Pet'r's Ex. 9.

15. On July 17, 2024, Applicant e-mailed Ms. Pittman requesting an administrative hearing. *See* Pet'r's Ex. 10. Applicant made a timely written request for an administrative hearing pursuant to N.C. Gen. Stat. § 58-33-30(g).

16. Although Applicant attended the denial review meeting at the NCDOI and requested the administrative hearing, he failed to appear at or be represented by counsel at the administrative hearing.

17. Ms. Pittman testified at the hearing on behalf of Agent Services. She personally reviewed the documentation uploaded by Applicant regarding his prior criminal convictions. She spoke to his past felony convictions (2018) for assault with a deadly weapon with intent to kill, discharging a weapon in an occupied property causing serious bodily injury, discharging a firearm to incite fear, discharging a firearm in an occupied dwelling, and misdemeanor conviction (2018) for assault with a deadly weapon with a minor present. Agent Services considered these documents when evaluating whether Applicant's Application should be granted. *See* Pet'r's Exs. 3-5.

18. Agent Services considered the level and seriousness of Applicant's convictions, the dates of the convictions, his age at the time of the convictions, the background and circumstantial information about why he committed the crimes, and the potential connection between the criminal offense and Applicant's prospective job

duties as an insurance producer. Ms. Pittman determined Applicant's prior criminal convictions, giving weight to the violent nature of the felony and misdemeanor convictions, and having multiple criminal convictions within the last ten years, supported Agent Services denying Applicant's Application.

19. Additionally, Ms. Pittman determined there is a nexus between Applicant's criminal conduct and the duties of an insurance producer. Particularly, the violent nature of Applicant's crimes because an insurance producer would potentially have access to the homes of North Carolina citizens seeking insurance.

20. Ms. Pittman determined that a 1033 waiver was not required in this situation because the crimes that Applicant had been convicted of were violent in nature and not crimes that involved dishonesty or a breach of trust.

21. Furthermore, Ms. Pittman determined that Applicant's Application should remain denied based on Applicant not answering the question regarding having been convicted of a misdemeanor truthfully on his license application as required by N.C. Gen. Stat. § 58-33-46(a)(1).

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. Applicant was properly served with the Notice of Administrative Hearing and Petition for Administrative Hearing pursuant to N.C. Gen. Stat. §§ 58-2-69(d) and (e) and Rule 4 of the North Carolina Rules of Civil Procedure.

3. Pursuant to N.C. Gen. Stat. § 58-33-30(g), the Commissioner may deny an application for a resident insurance producer license for any reason for which a license may be suspended or revoked or not renewed pursuant to N.C. Gen. Stat. § 58-33-46.

4. Pursuant to N.C. Gen. Stat. § 58-33-31(a), a person applying for a residential producer license shall make the application to the Commissioner and declare under penalty of denial, suspension, or revocation of the license that the statements made in the application are true, correct, and complete to the best of the individual's knowledge and belief.

5. N.C. Gen. Stat. § 58-33-46(a)(1) provides that the Commissioner may place on probation, suspend, revoke or refuse to issue or renew any license issued under Article 58 of the General Statutes of North Carolina for a licensee providing materially incorrect, misleading, incomplete, or materially untrue information in the

license application.

6. Applicant's denial of ever having a misdemeanor conviction on his April 16, 2024 resident insurance producer license application was a materially incorrect and materially untrue answer as Applicant had a February 1, 2018 misdemeanor conviction. By failing to disclose his misdemeanor conviction on his Application, Applicant provided materially incorrect and untrue information in his license application, in violation of N.C. Gen. Stat. § 58-33-46(a)(1).

7. Applicant's violation of N.C. Gen. Stat. § 58-33-46(a)(1), by itself, is sufficient grounds to support denial of Applicant's Application.

8. N.C. Gen. Stat. § 58-33-46(a)(6) allows the Commissioner to place on probation, suspend, or revoke the license of a licensee who has been convicted of a felony or a misdemeanor involving dishonesty, a breach of trust, or moral turpitude.

9. Applicant's felony convictions for assault with a deadly weapon with intent to kill, discharging a weapon in an occupied property causing serious bodily injury, discharging a firearm to incite fear, and discharging a firearm in an occupied dwelling do not subject his application for a resident insurance producer license to denial pursuant to N.C. Gen. Stat. § 58-33-46(a)(6).

10. N.C. Gen. Stat. § 93B-8.1 applies to a state agency licensing board, including the NCDOI with respect to licenses issued under Article 33 of Chapter 58 of the North Carolina General Statutes. N.C. Gen. Stat. § 93B-8.1(b) states that:

Unless federal law governing a particular board provides otherwise, a board may deny an applicant on the basis of a conviction of a crime only if the board finds that the applicant's criminal conviction history is directly related to the duties and responsibilities for the licensed occupation or the conviction is for a crime that is violent or sexual in nature...

11. Black's Law Dictionary defines "violent crime" as a crime that has as an element the use, attempted use, threatened use, or substantial risk of use of physical force against the person or property of another. Black's Law Dictionary p. 378 (7th ed. 1999).

12. The crime of assault with a deadly weapon with intent to kill requires (1) an assault, (2) with a deadly weapon, and (3) with intent to kill. See N.C. Gen. Stat. § 14-32(c). "Assault" has been defined by North Carolina courts as any overt act or attempt, or the unequivocal appearance of attempt, with force or violence, to do some immediate physical injury to the person of another, with the show of force or violence being sufficient to put a reasonable person in fear of immediate bodily harm. See *State v. Roberts*, 270 N.C. 655, 658 (1967). Certainly, Applicant's felony

conviction for assault with a deadly weapon with intent to kill is a violent crime.

13. Additionally, based on North Carolina courts definition of “assault”, certainly, Applicant’s felony conviction for discharging a firearm to incite fear and his misdemeanor conviction for assault with a deadly weapon with a minor present are also violent crimes.

14. Pursuant to N.C. Gen. Stat. § 93B-8.1(b), the NCDOT may deny Applicant’s Application based on his criminal convictions without considering whether those convictions are directly related to the prospective job duties of the licensee because at a minimum, Applicant’s felony convictions for assault with a deadly weapon with intent to kill and for discharging a firearm to incite fear, and his misdemeanor conviction for assault with a deadly weapon with a minor present are crimes that are violent in nature.

15. Pursuant to N.C. Gen. Stat. § 93B-8.1(b1), before issuing the denial, the NCDOT must specifically consider all the factors stated therein when evaluating whether to grant or deny Applicant’s Application due to Applicant’s criminal convictions. Agent Services specifically considered all the factors as indicated in Petitioner’s Exhibit 5 entitled “Felony Conviction Checklist”.

16. Pursuant to N.C. Gen. Stat. § 93B-8.1(b), the undersigned considers certain of Applicant’s prior criminal convictions to be sufficient basis for denying Applicant’s Application and considers certain relevant factors. Specifically:

- a) Applicant possesses multiple convictions at the felony and/or misdemeanor level. Applicant has four felony convictions (2018), including assault with a deadly weapon with intent to kill, discharging a weapon in an occupied property causing serious bodily injury, discharging a firearm to incite fear, and discharging a firearm in an occupied dwelling, and one misdemeanor conviction (2018) for assault with a deadly weapon with a minor present. At least three of Applicant’s criminal convictions are violent in nature; therefore, the level and seriousness of the crimes are given great weight. See N.C. Gen. Stat. § 93B-8.1(b1)(1).
- b) Applicant’s felony and misdemeanor criminal convictions occurred on February 1, 2018. The offense occurred on September 20, 2016, less than ten years ago from the date of Applicant’s Application. See N.C. Gen. Stat. § 93B-8.1(b1)(2).
- c) Based on information in Applicant’s personal statement, it appears Applicant was around 25-27 years of age when the offense occurred that

resulted in his felony and misdemeanor criminal convictions. *See* N.C. Gen. Stat. § 93B-8.1(b1)(3).

- d) Applicant's written explanation that he mishandled a firearm that fired and grazed his girlfriend, along with the official court documents were considered. *See* N.C. Gen. Stat. § 93B-8.1(b1)(4).
- e) Applicant has at least three convictions which involve violent crimes; felony conviction for assault with a deadly weapon with intent to kill, felony conviction for discharging a firearm to incite fear, and misdemeanor conviction for assault with a deadly weapon with a minor present. The prospective job duties require Applicant to be in frequent contact with the public as well as access to potential policyholder's homes. There is a nexus between these prospective job duties and Applicant's criminal conduct which could cause harm to the public and this was given great weight. *See* N.C. Gen. Stat. § 93B-8.1(b1)(5).
- f) Applicant has not had any subsequent criminal convictions. *See* N.C. Gen. Stat. § 93B-8.1(b1)(7).

17. Having considered relevant factors in N.C. Gen. Stat. § 93B-8.1(b1), the undersigned gives great weight to the level and seriousness of the felony conviction for assault with a deadly weapon with intent to kill, felony conviction for discharging a firearm to incite fear, and misdemeanor conviction for assault with a deadly weapon with a minor present due to their violent nature as well as the nexus between all of Applicant's criminal convictions and his prospective job duties. This is not to be taken lightly and on its own would be sufficient to support denying Applicant's application for a license. When considered with the fact that Applicant provided materially incorrect and untrue information in his license application when he failed to disclose his misdemeanor conviction and he failed to appear at the administrative hearing that he requested, there is even more support for the denial of Applicant's Application.

18. Based on the documentary and testimonial evidence in this case, and the applicable law, Applicant's application for a license should be denied pursuant to N.C. Gen. Stat. § 58-33-30(g) for his violation of N.C. Gen. Stat. § 58-33-46(a)(1). Furthermore, Applicant's application for a license should be denied pursuant to N.C. Gen. Stat. § 93B-8.1(b) based on his felony conviction for assault with a deadly weapon with intent to kill, felony conviction for discharging a firearm to incite fear, and misdemeanor conviction for assault with a deadly weapon with a minor present, being grounds to deny Applicant's Application due to the violent nature of the crimes.

ORDER

BASED UPON the foregoing Findings of Fact and Conclusions of Law, the undersigned Hearing Officer enters the following:

It is ORDERED that the Agent Services Division's denial of Applicant's application for a North Carolina resident insurance producer license with lines of authority in Life is AFFIRMED.

This the 17th day of July, 2025.



Shannon Wharry
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 1.0413 and N.C.G.S. § 1A-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 and requires service of the Petition on all parties. The mailing address to be used for service on the Department of Insurance is: Amy Funderburk, 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 mailing a copy of the same via certified U.S. mail, return receipt requested; and via first class U.S. mail to the Applicant at the address the licensee provided to the Commissioner pursuant to N.C. Gen. Stat. § 58-2-69(b), (d) and (e); and via State Courier to Attorney for Petitioner, addressed as follows:

LEROY EDOUARZIN
9405 NORTHWOODS FOREST DRIVE
CHARLOTTE, NC 28214
(Applicant)

Certified Mail Tracking Number: 9589 0710 5270 2731 6467 45

Kristin K. Mullins
Assistant Attorney General
N.C. Department of Justice
Insurance Section
9001 Mail Service Center
Raleigh, NC 27699-9001
(Attorney for Petitioner)

This the 17th day of July, 2025



Raheema I. Moore
Clerk of Court for Administrative Hearings
Paralegal III
N.C. Department of Insurance
General Counsel's Office
1201 Mail Service Center
Raleigh, NC 27699-1201