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Agent Services
Division

**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
ALAN W. ELAM

FINAL AGENCY DECISION

Docket Number: D-1286

This matter was heard by the undersigned hearing officer, as designated by the North Carolina Commissioner of Insurance, hereinafter "Commissioner," on August 9, 2006, in the Dobbs Building, 430 North Salisbury Street, Raleigh, North Carolina. Assistant Attorney General LaShawn L. Strange appeared for the Agent Services Division of the North Carolina Department of Insurance, hereinafter "the Department," and Alan W. Elam, hereinafter "Elam," appeared and was represented by Vaughan S. Winbourne, Jr. of Raleigh. The Hearing Officer, after careful consideration and based on the record as a whole, makes the following:

Findings of Fact

1. The Notice of Administrative Hearing was properly served on Elam.
2. Elam currently holds licenses as Life & Health Insurance Agent and Medicare Supplement/Long Term Care Insurance Agent, issued by the Department pursuant to the provisions of Article 33, Chapter 58 of the General Statutes of North Carolina.
3. On or about April 12, 2005, summary judgment was granted in favor of plaintiff James E. Long, Commissioner of Insurance of North Carolina and Liquidator of the International Workers' Guild Health and Welfare Trust Fund against Elam for \$134,565.40. This judgment was for unpaid claims related to his sale of insurance for an entity that was not authorized to transact insurance business in North Carolina. Elam

has not satisfied this judgment. Elam's failure to pay this judgment is evidence of financial irresponsibility in the conduct of business in North Carolina.

Based on the foregoing Findings of Fact, the hearing officer makes the following:

Conclusions of Law

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


2. Elam has demonstrated financial irresponsibility in the conduct of business in this State, which constitutes grounds for revoking his license pursuant to N.C. Gen. Stat. § 58-33-46(a)(8).

Based on the foregoing Findings of Fact and Conclusions of Law, the hearing officer enters the following:

Order

Elam's Life & Health Insurance Agent license and Medicare Supplement/Long Term Care Insurance Agent license are revoked the date this Final Agency Decision is signed.

This the 14th day of August, 2006.


William K. Hale
Hearing Officer

CERTIFICATE OF SERVICE

I hereby certify that on this day I have served the attached **FINAL AGENCY DECISION** via certified first class mail, via electronic mail, and via State Courier Service, addressed as follows:

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Charlotte, NC 28211

Vaughan S. Winborne, Jr.
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LaShawn L. Strange
Assistant Attorney General
North Carolina Department of Justice
Room 220
Old Education Building
Raleigh NC

This the 14th day of August, 2006.


William K. Hale
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