

STATE OF NORTH CAROLINA)
COUNTY OF WAKE)
)
IN THE MATTER OF JOHN A. EAGLES,)
JR.)
(NPN # 6556101))
)
)
)

BEFORE THE COMMISSIONER OF
INSURANCE

ORDER AND FINAL AGENCY
DECISION
Docket Number 1816

2. Beginning in January, 2015, the Respondent was employed as an agent by United Insurance Company of America (hereinafter, "United") and was assigned to the United's district 661 in Lumberton, North Carolina.

3. The Respondent was terminated by United on November 13, 2015.

4. Subsequent to his termination, an audit of the Respondent's route list was conducted by United employee Larry Wilkins.

5. Mr. Wilkins conducted his audit by obtaining a copy of the Respondent's route list, visiting the customers on the route list and checking their receipt books.

6. The Respondent's route list contains information regarding payments received that was entered by the Respondent into his handheld device.

7. The receipt books record when the Respondent received payments from customers.

8. Mr. Wilkins' audit compared the information contained in the Respondent's route list for the week of November 23, 2015 with the information from the receipt books he collected from the customers on the route list.

9. Mr. Wilkins' audit found the following instances where the receipt books showed money for premium payments was collected from customers by Respondent but not reported on the route list:

• Everlina Green	1 month deficient	\$37.77
• Eddie Green	2 months deficient	\$213.00
• Johnnie Johnson, III	1 month deficient	\$51.88
• Kaleena Green	1 month deficient	\$39.80
• Martha Garrett	2 months deficient,	\$172.90
• James Frink	1 month deficient	\$27.80
• Gloria Bland	5 months deficient	\$92.50
• Marlana Hill	2 months deficient	\$25.80
• Marlana Hill	overage	\$3.00

10. Mr. Wilkins' audit findings were reported in an Agent Deficiency Report.

11. The total amount of money collected but not reported on the route list was \$664.45.

12. The final Agent Deficiency Report for the Respondent also included a \$51.60 deficiency for a "Not Sufficient Funds" shortage from the week of August 14, 2015 due to a \$68.80 check that was not properly credited to the account of James Hargrove. This deficiency was an outstanding deficiency at the time the Respondent was terminated and was not part of Mr. Wilkins' audit of the Respondent's route list.

13. In total, there was \$716.05 collected from customers by the Respondent but not remitted to United.

14. United has since been repaid by the Respondent the \$716.05.

Conclusions of Law

Based on the foregoing findings of fact, the undersigned concludes as a matter of law:

1. This matter is properly before the Commissioner. The Commissioner has jurisdiction over the parties and the subject matter pursuant to North Carolina General Statutes §§ 58-2-50, 58-2-55, 150B-38, 150B-40, 11 NCAC 1.0401 *et seq.* and other applicable statutes and regulations.

2. The Respondent was properly served with the Notice of Administrative 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.G.S. § 58-33-46(a)(4) states that the Commissioner may place on probation, suspend, revoke, or refuse to renew any license issued under Chapter 58, Article 33 of the General Statutes for improperly withholding, misappropriating, or converting any monies or properties received in the course of doing insurance business.

5. The Respondent improperly withheld \$716.05 collected from customers but not remitted to United, in violation of N.C.G.S. § 58-33-46(a)(4).

6. This violation by itself is sufficient to support the revocation of the Respondent's producer license.

7. N.C.G.S. § 58-33-46(a)(8) states that the Commissioner may place on probation, deny, 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.

8. Collecting moneys from an insurance customer and not remitting it to the insurer demonstrates financial irresponsibility.

9. The Respondent demonstrated financial irresponsibility by collecting \$716.05 from customers but not remitting it to United, in violation of N.C.G.S. § 58-33-46(a)(8).

10. This violation by itself is sufficient to support the revocation of the Respondent's producer license.

11. The Respondent's producer license should be revoked for these violations.

Based on the foregoing Findings of Fact and Conclusions of Law, the Hearing Officer enters the following:

Order

It is hereby ordered that John A. Eagles' producer license is revoked.

This the 25th day of January, 2017.


Stewart Johnson, Hearing Officer
N.C. Department of Insurance
1201 Mail Service Center
Raleigh, NC 27699-1201

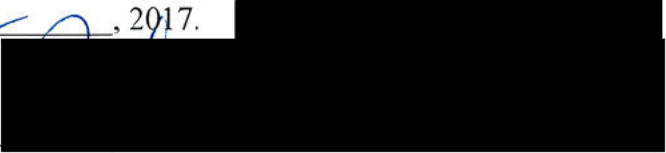
APPEAL RIGHTS: This Order may be appealed to Superior Court within 30 days of receipt, as set forth in the General Statutes of North Carolina.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I have this day served a copy of the foregoing ORDER AND FINAL AGENCY DECISION by mailing a copy of the same via certified U.S. Mail, return receipt requested, in a first class postage prepaid envelope addressed as follows:

John A. Eagles, Jr.
904 Cedar Grove Road
Supply, NC 28462

This the 26th day of January, 2017.


Robert D. Croom
Assistant Attorney General
North Carolina Department of Justice
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