

NORTH CAROLINA DEPARTMENT OF INSURANCE
RALEIGH, NORTH CAROLINA

STATE OF NORTH CAROLINA)	BEFORE THE COMMISSIONER
COUNTY OF WAKE)	OF INSURANCE
)	
IN THE MATTER OF CHARLES T.)	FINAL DECISION ORDER
MATHIS)	GRANTING SUMMARY
(NPN # 8392564))	JUDGMENT FOR PETITIONER
)	Docket Number 1869
_____)	

THIS MATTER came before the undersigned hearing officer, for consideration of Petitioner's Motion for Summary Judgment with attachments filed on August 24, 2017. Respondent did not file a response to the motion.

Having considered the filings as well as matters of record appropriate for consideration, the undersigned hearing officer finds as fact and concludes as a matter of law that there exists no genuine issue of material fact and that this matter is appropriate for disposition by summary judgment.

UNDISPUTED FINDINGS OF FACT

1. Respondent currently holds a surety bail bondsman license issued by the Department.

2. On July 7, 2017, Respondent was found guilty pursuant to trial by jury and judgment was entered against him for the following felony offenses in Union County Superior Court:

- 15 CRS 917: Obtaining Property by False Pretense (G.S. 14-100)
- 15 CRS 918: Falsification Monthly Bail Bond Report Info (G.S. 58-71-165)
- 15 CRS 919: Accessing Government Computers (G.S. 14-454.1)

3. Petitioner filed its Motion for Summary Judgment with supporting affidavit from Steve Bryant on August 24, 2017.

4. Respondent did not file a response to Petitioner's Motion for Summary Judgment.

5. A hearing was held on Petitioner's Motion for Summary Judgment on October 31, 2017 and Respondent did not offer any facts to showing there is a genuine issue for trial.

BASED on the foregoing Findings of Fact, the undersigned makes the following:

CONCLUSIONS 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. Rule 56 of the North Carolina Rules of Civil Procedure provides that judgment shall be rendered if the pleadings, depositions, answers to interrogatories and admissions on file, together with affidavits, if any, show that there is no genuine issue of material fact and that the party is entitled to summary judgment as a matter of law.

3. There are no genuine issues of material fact in dispute.

4. Pursuant to N.C.G.S. § 58-71-80(b), the Commissioner shall deny, revoke, or refuse to renew any license under this Article if the applicant or licensee is or had ever been convicted of a felony.

5. A conviction is "the final judgment on a verdict or finding of guilty, a plea of guilty, or a plea of nolo contendere." *Black's Law Dictionary* 333 (6th ed. 1990).

6. Respondent has been convicted of three felonies.

7. Based on the foregoing, Petitioner is entitled to judgment as a matter of law.

FINAL DECISION

NOW, THEREFORE, IT IS HEREBY ORDERED that:

1. Petitioner's Motion for Summary Judgment is GRANTED.

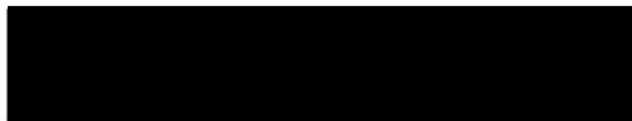
2. Respondent's surety bondsman license is REVOKED.

APPEAL RIGHTS

This is a Final Decision issued under the authority of N.C. Gen. Stat. § 150B, Article 3A.

Under the provisions of North Carolina General Statute § 150B-45, any party wishing to appeal the 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 Final Decision. In conformity with 11 NCAC 1.0413 and N.C. Gen. Stat. § 1A-1, Rule 5, this Final 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 Final 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: A. John Hoomani, General Counsel, 1201 Mail Service Center, Raleigh, NC 27699-1201.

This the 7th day of November, 2017.



Sherri Hubbard, Hearing Officer
N.C. Department of Insurance
1201 Mail Service Center
Raleigh, North Carolina 27699-1201

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I have this day served a copy of the foregoing FINAL DECISION ORDER GRANTING SUMMARY JUDGMENT FOR PETITIONER by mailing a copy of the same via certified U.S. Mail, return receipt requested; via first-class U.S. Mail to the licensee at the address provided to the Commissioner pursuant to N.C. Gen. Stat. §58-2-69(b); and, via State Courier as follows:

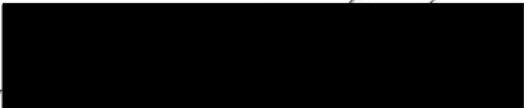
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VIA CERTIFIED MAIL - 7004-2510-0005-8577-8128

Robert D. Croom
North Carolina Department of Justice
Post Office Box 629
Raleigh, North Carolina 27602-0629
Attorney for the Petitioner

This the 7th day of November, 2017.

By


Tricia Ford, Paralegal
N.C. Department of Insurance
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Raleigh, North Carolina 27699-1201