

**NORTH CAROLINA DEPARTMENT OF INSURANCE
RALEIGH, NORTH CAROLINA**

STATE OF NORTH CAROLINA

**BEFORE THE COMMISSIONER
OF INSURANCE**

COUNTY OF WAKE

**IN THE MATTER OF
THE LICENSURE OF
EDWARD E. MCCALL
NPN 71744**

**ORDER AND FINAL AGENCY
DECISION
Docket Number: 1828**

THIS matter was heard on Wednesday, November 9, 2016, by the undersigned Hearing Officer, designated by the Commissioner of Insurance (hereinafter "Commissioner") under N.C. Gen. Stat. §58-2-55, pursuant to a Notice of Hearing that was duly issued and served.

The North Carolina Department of Insurance Agent Services Division (hereinafter, "Agent Services") was represented by Assistant Attorney General M. Denise Stanford. Agent Services Complaint Analyst Jeffrey O'Bannon (hereinafter "Analyst O'Bannon") testified on behalf of Agent Services.

Respondent Edward E. McCall (hereinafter "Respondent") was not present and was not represented by counsel at the hearing.

The Department offered into evidence Exhibits 1 through 9, and said documents were admitted into evidence.

After careful consideration of the evidence and 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. The Notice of Administrative Hearing was properly served on Respondent on October 18, 2016. The Notice of Administrative Hearing and Affidavit of Service were admitted into evidence as Exhibits 1 and 2, with attachments 2A and 2B.
2. At all relevant times herein, Respondent held a Resident Producer License with lines of authority in Life and Accident & Health or Sickness, License number 0000071744. A copy of the Licensee Summary was admitted into evidence as Exhibit 3.
3. On or about March 21, 2014, administrative action was taken against Respondent by the Insurance Commissioner of the State of Indiana for failure to make a required disclosure on his license application. A certified copy of the Preliminary Administrative Order and Notice

of License Denial was admitted into evidence as Exhibit 4.

4. On or about September 8, 2014, administrative action was taken against Respondent by the Colorado Division of Insurance for demonstrating a lack of fitness or trustworthiness, for failing to make a required disclosure on his license application, and for other State's administrative action. A certified copy of the Colorado Division of Insurance case file number EC6861 regarding Respondent, including the notice to Respondent of his licensure application denial, was admitted into evidence as Exhibit 5.

5. N.C. Gen. Stat. § 58-33-32(k) requires a producer to report to the Commissioner any administrative action taken against the producer in another state or by another governmental agency in this State within thirty (30) days after the final disposition of the matter.

6. Respondent did not report the administrative action taken by the Insurance Commissioner of the State of Indiana and the administrative action taken by the Colorado Division of Insurance to the Commissioner within thirty (30) days after final disposition of the matters.

7. On January 28, 2016, an administrative hearing was held, Docket Number 1786, at the North Carolina Department of Insurance before Hearing Officer Stewart Johnson (hereinafter "Hearing Officer Johnson"), designated by the Commissioner of Insurance pursuant to N.C. Gen. Stat. § 58-2-55, regarding Respondent's failure to report the administrative actions to the Commissioner within thirty (30) days after final disposition of the matters.

8. On February 17, 2016, Hearing Officer Johnson found and concluded that Respondent's failure to report to the Commissioner the administrative actions taken against him by the Insurance Commissioner of the State of Indiana and the Colorado Division of Insurance within 30 days after final disposition of the matters constituted violations of N.C. Gen. Stat. § 58-33-32(k). A copy of the Order and Final Agency Decision in Docket Number 1786 was admitted into evidence as Exhibit 6.

9. Hearing Officer Johnson found and concluded that Respondent should be ordered to pay a monetary penalty, pursuant to N.C. Gen. Stat. § 58-2-70, for his violations of N.C. Gen. Stat. § 58-33-32(k) of Chapter 58 of the North Carolina General Statutes and ordered that Respondent pay civil monetary penalties totaling \$500.00 within thirty (30) days of receipt of the Order and Final Agency Decision.

10. The Order and Final Agency Decision was duly served on Respondent on February 18, 2016 and received by him on February 20, 2016. The Affidavit of Service was admitted into evidence as Exhibit 7, with attachments 7A and 7B.

11. The \$500.00 civil monetary penalty was due on March 21, 2016.

12. Respondent failed to pay the civil monetary penalty by March 21, 2016.
13. Analyst O'Bannon e-mailed Respondent on March 28, 2016. A copy of the e-mail was admitted into evidence as Exhibit 8.
14. Analyst O'Bannon talked by telephone with Respondent on April 4, 2016 and followed up the telephone call with a letter mailed by certified mail. On the telephone call, Respondent confirmed that that he had not appealed the Order and Final Agency Decision within 30 days of receipt of the Order. Respondent was given the option to pay the \$500.00 in full by April 18, 2016 or surrender his license. A copy of the letter was admitted into evidence as Exhibit 9 and a copy of the signed returned receipt was admitted into evidence as Exhibit 9A.
15. Respondent did not pay the \$500.00 civil monetary penalty by April 18, 2016.
16. Respondent has failed to pay the \$500.00 civil monetary penalty ordered by the Commissioner.


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. Respondent was properly served with the Notice of Administrative Hearing in this proceeding, Docket Number 1828.
3. Respondent was properly served with the Order and Final Agency Decision in Docket Number 1786 ordering him to pay a \$500.00 civil monetary penalty within thirty (30) days of receipt.
4. Respondent violated an Order of the Commissioner by failing to pay the \$500.00 civil monetary penalty within thirty (30) days of receipt of the Order and Final Agency Decision.
5. N.C. Gen. Stat. § 58-33-46(a)(2) authorizes the Commissioner to take disciplinary action against a license holder if the licensee has violated any insurance law of this or any other state, violated any administrative rule, subpoena, or order of the Commissioner or of another state's insurance regulator, or violated any rule of FINRA.
6. Respondent's violation of the Order of the Commissioner authorizes the Commissioner to take disciplinary action against Respondent's Resident Producer License pursuant to N.C. Gen. Stat. § 58-33-46(a)(2).

Order

Based on the foregoing Findings of Fact and Conclusions of Law, it is ORDERED that Respondent's Resident Producer License is hereby **REVOKED**.

This the 14th day of November, 2016.



Sherril L. Hubbard, 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.

NOTICE: Be aware that if a state or federal regulator other than the N. C. Department of Insurance has issued an occupational or professional license to you, that regulator may require you to report this administrative action to it. The N.C. Department of Insurance cannot give you legal advice as to the specific reporting requirements of other state or federal regulators.

CERTIFICATE OF SERVICE


I HEREBY CERTIFY that I have this day served a copy of the attached **ORDER AND FINAL AGENCY DECISION** by first class, certified mail, return receipt requested, by first class, U.S. Mail, postage prepaid, and via inter-office State Courier, addressed as follows:

Edward E. McCall
1200 East Springfield Road
High Point, NC 27263

&

M. Denise Stanford
Assistant Attorney General
N.C. Department of Justice
Insurance Section
P.O. Box 629
Raleigh, NC 27602-0629

This the 14th day of November, 2016.


Mary Faulkner
Paralegal
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