

**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
BRANDON ALEXANDER MORGAN**

**FINAL AGENCY DECISION
AND ORDER
Docket Number: 1788**

THIS CAUSE came on to be heard on 23 September 2015 before the undersigned hearing officer, as designated by the Commissioner of Insurance pursuant to North Carolina General Statute § 58-2-55.

A Notice of Administrative Hearing advising Petitioner Brandon Alexander Morgan ("Petitioner") of the time, date and place of the hearing was duly issued and served on Petitioner at the last address he listed with Respondent North Carolina Department of Insurance ("Department"). The Notice of Administrative Hearing was received and signed for at Petitioner's address on 29 August 2015. Petitioner failed to appear at the hearing.

The Department was present at the hearing through representatives of the Department's Agent Services Division and was represented by Terence D. Friedman, Assistant Attorney General.

After careful consideration and based on the record as a whole, the hearing officer hereby enters the following:

FINDINGS OF FACT

1. On or about 1 April 2015, Petitioner submitted an application ("2015

Application”) to the Department for a license as a resident insurance producer with authority for Life and Accident and Health or Sickness lines of insurance (“License”).

2. Previously, from 9 January 2009 until 30 June 2013, the Department had licensed Petitioner as a surety bail bondsman.

3. In his 2015 Application, Petitioner answered “No” to the following background question: “Have you ever been named or involved as a party in an administrative proceeding, including FINRA sanction or arbitration proceeding regarding any professional or occupational license or registration?”

4. On 25 July 2012, the Department fined Petitioner \$1,500.00 through a voluntary settlement agreement for failing to properly handle collateral security on a bond he wrote while still licensed as a surety bail bondsman.

5. In his 2015 Application, Petitioner answered “No” to the following background question: “Have you or any business in which you are or were an owner, officer or director, or member or manager of a limited liability company, ever had an insurance agency contract or any other business relationship with an insurance company terminated for any alleged misconduct?”

6. International Fidelity Insurance Company and Allegheny Casualty Company terminated their appointments of Petitioner on or about 16 January 2013, citing as their reason misconduct Petitioner committed under his surety bail license.

7. On or about 16 November 2012, Petitioner pleaded guilty and was convicted in Forsyth County File No. 12 CR 054722 of filing a false report to a law enforcement agency or officer in violation of N.C. Gen. Stat. § 14-225.

8. On or about 2 October 2014, Petitioner pleaded guilty and was convicted in Guilford County File No. 13 CRS 068595 of solicitation to make a false statement to procure or deny the benefit of an insurance policy or certificate in violation of N.C. Gen. Stat. §§ 14-2.6 and 58-2-161.

9. By their terms, Petitioner's 2012 and 2014 convictions relate to Petitioner's attempt to collect insurance proceeds for a sport utility vehicle that Petitioner owned but that, in 2011, was destroyed.

10. Department employees Robert Cunningham and Angela Hatchell testified at the hearing of this matter that, on 7 July 2015, they met with Petitioner in Raleigh, North Carolina. Mr. Cunningham and Mrs. Hatchell testified that, when they questioned Petitioner at the meeting about the circumstances underlying his 2012 and 2014 convictions, Petitioner stated that he had coordinated with another person, Steven Ingraham, to have Petitioner's sport utility vehicle taken and burned.

11. On 11 June 2015, the Agent Services Division denied Petitioner the License. Petitioner requested the Department review its decision and later requested the instant hearing.

BASED UPON the foregoing Findings of Fact, the undersigned 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. Notice in this matter was timely and proper.

3. N. C. Gen. Stat. § 58-33-30(g) states, in pertinent part, as follows: “If the Commissioner finds that the applicant has not fully met the requirements for licensing, he shall refuse to issue the license The application may also be denied for any reason for which a license may be suspended or revoked or not renewed under N. C. Gen. Stat. 58-33-46....”

4. N. C. Gen. Stat. § 58-33-46(a) provides, among other things, that the Commissioner may suspend, revoke or refuse to renew any license issued under this Article for any one or more of the causes set forth in subsections (a)(1) through (17).

5. Pursuant to N. C. Gen. Stat. §§ 58-33-30(g) and 58-33-46(a)(1), one of the causes for which the Commissioner may deny a license is “[p]roviding materially incorrect, misleading, incomplete, or materially untrue information in the license application.”

6. By failing to reveal in the 2015 Application both his 25 July 2012 voluntary settlement agreement with the Department and the 16 January 2013 termination for cause of his appointment by International Fidelity Insurance Company and Allegheny Casualty Company, Petitioner provided materially incorrect, misleading, incomplete and untrue information in his 2015 Application within the meaning of N. C. Gen. Stat. § 58-33-46(a)(1).

7. Pursuant to N. C. Gen. Stat. §§ 58-33-30(g) and 58-33-46(a)(6), another of the causes for which the Commissioner may deny a license is “[h]aving been convicted of a felony or a misdemeanor involving dishonesty, a breach of trust, or moral turpitude.”

8. Petitioner's 2012 and 2014 convictions for his solicitation to make a fraudulent insurance claim and for making a false statement to the police are misdemeanors involving dishonesty and moral turpitude within the meaning of N. C. Gen. Stat. § 58-33-46(a)(6).

9. Pursuant to N. C. Gen. Stat. §§ 58-33-30(g) and 58-33-46(a)(8), another cause for which the Commissioner may deny a license is "[u]sing fraudulent, coercive, or dishonest practices, or demonstrating incompetence, untrustworthiness, or financial irresponsibility in the conduct of business in this State or elsewhere."

10. Petitioner's pleas of guilt in his 2012 and 2014 convictions and his 7 July 2014 statement to Mr. Cunningham and Mrs. Hatchell regarding the circumstances of those convictions demonstrate his use of fraudulent and dishonest practices within the meaning of N.C. Gen. Stat. § 58-33-46(a)(8) and demonstrate untrustworthiness within the meaning of N.C. Gen. Stat. § 58-33-46(a)(8).

11. Petitioner's license application should be denied pursuant to N. C. Gen. Stat. §§ 58-33-30(g) and 58-33-46(a)(1), (6), & (8).

ORDER

BASED UPON the foregoing Findings of Fact and Conclusions of Law, it is ORDERED that Petitioner's application for a license as a resident insurance producer with authority for Life and Accident and Health or Sickness lines of insurance is hereby denied.

This the 19th day of April, 2016.



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

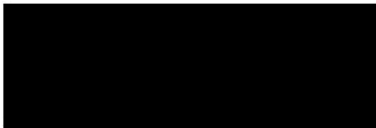
APPEAL RIGHTS: This Order may be appealed to Superior Court within 30 days of receipt, as set forth in the General Statutes of North Carolina.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I have this day served a copy of the foregoing document by delivering a copy of the same via certified U.S. mail, return receipt requested, in a postage prepaid envelope addressed as follows:

Brandon Alexander Morgan
3058 Renaissance Pkwy.
Jamestown, N.C. 27282-8752

This the 20th day of April, 2016.



Terence D. Friedman
Assistant Attorney General
N.C. State Bar Number 25088
N. C. Department of Justice
P.O. Box 629
Raleigh, NC 27602-0629
(919) 716-6610
tfriedman@ncdoj.gov