

STATE OF NORTH CAROLINA)
COUNTY OF WAKE)
)
)
IN THE MATTER OF:)
)
THE LICENSURE OF:)
GARRON MARCUS PENLAND)
NPN #6434527)
)
Respondent.)
)

BEFORE THE
COMMISSIONER OF INSURANCE

ORDER AND FINAL
AGENCY DECISION

Docket Number: 1899

Respondent, Garron Penland, proceeding *pro se*, failed to appear at the hearing.

Agent Services offered into evidence Petitioner's Exhibits 1 through 7, which were admitted into evidence.

FINDINGS OF FACT

2. At all times relevant herein, Respondent held a Nonresident Producer License with lines of authority in Life, Casualty, Accident & Health or Sickness, and

Property, License number 0006434527. A copy of the Licensee Summary was admitted into evidence as Exhibit 3.

3. Respondent is presently incarcerated in the state of Georgia at Coffee Correctional Facility. A copy of a record from the Georgia Department of Corrections' website was admitted into evidence as Exhibit 5.

4. On or about November 28, 2017, Respondent entered a plea of guilty to, and was convicted of, three (3) counts of felonious Cruelty to Children First Degree, two (2) counts of felonious Sexual Battery, and three (3) counts of felonious Child Molestation in Jackson County, Georgia. Records from Jackson County, Georgia Superior Court relating to these convictions were admitted into evidence as Exhibit 6.

5. The records contained in Exhibit 6 establish that Respondent was convicted and sentenced as a felon by the State of Georgia.

6. Respondent did not report these convictions to the Commissioner within 10 days of conviction.

7. On or about March 13, 2018, the Office of the Insurance and Safety Commissioner of the State of Georgia entered an administrative order, effective April 2, 2018, against Respondent revoking his resident agent producer license for failure to report his criminal convictions. Records from the Office of Insurance and Safety Fire Commissioner were admitted into evidence as Exhibit 7.

8. Respondent did not report the Georgia administrative action to the Commissioner within 30 days of the final disposition of that matter.

9. Respondent did not respond to communications sent to him by Megan Daniels regarding his felony convictions or the administrative action taken against his Georgia resident producer license. Copies of an email sent to Respondent by Megan Daniels were admitted into evidence as Exhibit 4.

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 matter.

3. N.C. Gen. Stat § 58-2-69(c) requires a licensee that is convicted in any court of competent jurisdiction for any crime or offense other than a motor vehicle

infraction to notify the Commissioner in writing of the conviction within ten (10) days after the date of the conviction.

4. Respondent failed to report to the Commissioner the aforementioned Georgia criminal convictions within ten (10) days after the date of the convictions and therefore violated N.C. Gen. Stat § 58-2-69(c).

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 failed to report to the Commissioner the aforementioned Georgia administrative action within thirty (30) days of the final disposition of that matter and therefore violated N.C. Gen. Stat. § 58-33-32(k).

7. 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.

8. Respondent's violations of N.C. Gen. Stat. § 58-33-32(k) and N.C. Gen. Stat § 58-2-69(c) as described above, constitute violations of insurance laws of this state and are therefore grounds for license revocation under N.C. Gen. Stat. § 58-33-46(a)(2).

9. Respondent's felony convictions also constitute conviction of crimes involving moral turpitude under North Carolina Law.

10. N.C. Gen. Stat. § 58-33-46(a)(6) authorizes the Commissioner to place on probation, suspend, revoke, or refuse to renew a license if the licensee has been convicted of a felony or a misdemeanor involving dishonesty, a breach of trust, or moral turpitude.

11. Respondent's felony convictions, which also constitute convictions of crimes involving moral turpitude, are grounds for license revocation under N.C. Gen. Stat. § 58-33-46(a)(6).

ORDER

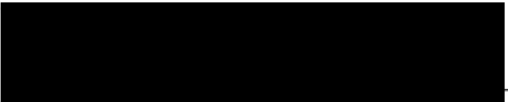
Based upon the foregoing Findings of Fact and Conclusions of Law, it is ORDERED that Respondent's Nonresident producer license be revoked effective as of the date of the signing of this Order.

APPEAL RIGHTS

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

Under the provisions of N.C. Gen. Stat. § 150B-45, any party wishing to appeal a 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 Order and Final Agency Decision. In conformity with the 11 NCAC 1.0413 and N.C.G.S. § 1A-1, Rule 5, this Order and Final Agency 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 Order and Final Agency 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 14th day of August 2018.


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

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I have this day served the foregoing **ORDER and FINAL AGENCY DECISION** by mailing a copy of the same via **Certified U.S. Mail, return receipt requested**; and 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, addressed as follows:

Garron Marcus Penland
GDC ID 1002175585
Coffee Correctional Facility
P.O. Box 650
Nichols, GA 31554
Certified Mail Receipt Number: 70170530000073199040

Thomas J. Felling
Assistant Attorney General
N.C. Department of Justice
Insurance Section
P.O. Box 629
Raleigh, NC 27602

This the 14th day of August, 2018.



Mary Faulkner
Paralegal
N.C. Department of Insurance
General Counsel's Office
1201 Mail Service Center
Raleigh, NC 27699-1201