

**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 ADAM TROUTMAN**

**ORDER AND FINAL AGENCY
DECISION
Docket Number: 1718**

THIS matter was heard on Wednesday, July 23, 2014, by the undersigned Hearing Officer, designation 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.

Petitioner, Adam Troutman, (hereinafter "Petitioner"), was not present at the hearing and was not represented by counsel.

Robert V. Cunningham, Agent Services Licensing Supervisor, testified on behalf of Agent Services.

Agent Services 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 Petitioner on June 25th, 2014 and delivered by FedEx Standard Overnight to Petitioner on June 26, 2014. The Notice of Administrative Hearing and Affidavit of Service were admitted into evidence as Exhibits 1 and 2.

2. On or about August 26, 2013, Petitioner applied for licensing as a Life and Health agent producer. A copy of the National Insurance Producer Registry Application Information for Petitioner was admitted into evidence as Exhibit 3.

3. On the Application for the Life and Health agent producer license, Petitioner answered "no" to the background question, "Have you ever been convicted of a crime, had a

judgment withheld or deferred, or are you currently charged with committing a crime?" A copy of the National Insurance Producer Registry Application Information for Petitioner was admitted into evidence as Exhibit 3.

4. As part of the Application, Petitioner submitted an explanation of non-disclosure and an explanation of charges which were admitted into evidence as Exhibits 3A and 3B, respectively.

5. On or about June 18, 2009, Petitioner pled guilty to and was convicted of misdemeanor larceny, misdemeanor common law forgery, and misdemeanor common law uttering, File Number 09 CR 52510. A certified copy of Petitioner's conviction of these crimes was admitted into evidence as Exhibit 4. A certified copy of the Warrant for Arrest was admitted into evidence as Exhibit 4A. A certified copy of the Judgment Suspending Sentence Imposing a Community Punishment (Structured Sentencing) was admitted into evidence as Exhibit 4B.

6. On or about April 29, 2010, Petitioner pled guilty to and was convicted of misdemeanor larceny and misdemeanor financial transaction card fraud, File Number 10 CR 52975. A certified copy of Petitioner's conviction of these crimes was admitted into evidence as Exhibit 5. A certified copy of the Warrant for Arrest was admitted into evidence as Exhibit 5A. A certified copy of the Judgment Suspending Sentence Imposing an Intermediate Punishment (Structured Sentencing) was admitted into evidence as Exhibit 5B.

7. Petitioner failed to disclose the criminal convictions on his Application.

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. Petitioner was properly served with the Notice of Administrative Hearing.

3. N.C. Gen. Stat. § 58-33-30(g) allows denial of a license 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)(1) authorizes the Commissioner to take disciplinary action against a license holder if the licensee has provided materially incorrect, misleading, incomplete, or materially untrue information in the license application.

5. N.C. Gen. Stat. § 58-33-46(a)(6) authorizes the Commissioner to take disciplinary action against a license holder if the licensee has been convicted of a felony or a misdemeanor involving dishonesty, a breach of trust, or moral turpitude.

6. Petitioner failed to disclose his criminal convictions on his Application, in violation of N.C. Gen. Stat. § 58-33-46(a)(1).

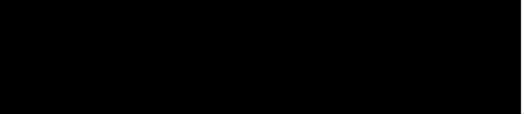
7. Petitioner's misdemeanor convictions of larceny, common law forgery, common law uttering, and financial transaction card fraud are misdemeanor convictions involving dishonesty, a breach of trust, and moral turpitude, in violation of N.C. Gen. Stat. § 58-33-46(a)(6).

8. Petitioner's application should be denied.

Order

Based on the foregoing Findings of Fact and Conclusions of Law, it is ORDERED that Petitioner's application for a Life and Health agent producer license is hereby denied.

This 31st day of July, 2014.


Stewart L. Johnson, Hearing Officer
North Carolina Department of Insurance

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 same via certified U.S. mail, return receipt requested, in a first class postage prepaid envelope addressed to the Petitioner as follows:

Adam Troutman
208 Radford Street
Winston-Salem, NC 27106

This the 31st day of July, 2014.

[REDACTED]
M. Denise Stanford
Assistant Attorney General
N.C. State Bar Number 17601
N. C. Department of Justice
P.O. Box 629
Raleigh, NC 27602-0629
(919) 716-6610