

3. Pursuant to N.C. Gen. Stat. § 58-2-69, Ms. Yuille has listed with the Commissioner a residence address in Virginia and a business and mailing address in Tennessee.

4. The Notice of Administrative Hearing in this matter was received and signed for on May 13, 2017 by "Persha Yuille" at Ms. Yuille's business and mailing address listed with the Commissioner.

5. Ms. Yuille submitted the original application for her license on or about April 12, 2014, and submitted renewal applications for her license on or about March 6, 2015 and March 1, 2016.

6. In filing her April 12, 2014 application, Ms. Yuille answered "No" to the following background question: "Have you ever been convicted of a felony, had a judgment withheld or deferred, or are you currently charged with committing a felony?"

7. In filing her March 6, 2015 and March 1, 2016 renewal applications, Ms. Yuille answered "No" to the following background question: "Have you ever been convicted of a felony, had a judgment withheld or deferred, or are you currently charged with committing a felony, which has not been previously reported to this insurance department?"

8. Contrary to her answers in these three applications, on or about July 14, 1988, Ms. Yuille pleaded guilty in *Commonwealth v. Tiwanna Gail Lovelace*, CR88000520-00-C1, in the Lynchburg Circuit Court – Criminal Division of the Twenty-Fourth Judicial Circuit of Virginia to felony charges of petit larceny and concealing merchandise, for which Ms. Yuille received a suspended sentence of one year.

9. Respondent acknowledged to ASD that she and Tiwanna Gail Lovelace are the same person.

CONCLUSIONS OF LAW

1. This matter is properly before the Commissioner, and he has jurisdiction over the parties and the subject matter.

2. Ms. Yuille was properly served with the Notice of Administrative Hearing in this matter.

3. Pursuant to N.C. Gen. Stat. § 58-33-46(a)(1), one of the causes for which the Commissioner may revoke an insurance adjuster's license is for providing materially incorrect, misleading, incomplete or materially untrue information in his or her license application.

4. In her original 2014 application for her license and her subsequent 2015 and 2016 renewal applications, Ms. Yuille provided materially incorrect, misleading, incomplete and materially untrue information within the meaning of N.C. Gen. Stat. § 58-33-46(a)(1) by failing to reveal her 1988 felony convictions in Virginia.

ORDER


Based upon the foregoing Findings of Fact and Conclusions of Law, it is ORDERED that Ms. Yuille's self-employed insurance adjuster license be revoked.

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. Gen. Stat. § 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 the 22nd day of June, 2017


A. John Hoomani, Hearing Officer

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 the same via certified U.S. Mail, return receipt requested, in a first-class postage prepaid envelope, and via State Courier, addressed as follows:


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Pro Se Respondent

This the 22nd day of June, 2017.


A. John Hooman, Hearing Officer
N.C. Department of Insurance
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Raleigh, NC 27699-1201