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STATE OF ALASKA

DEPARTMENT OF COMMERCE AND ECONOMIC DEVELOPMENT

DIVISION OF INSURANCE

In the Matter of:)	
)	
LAMORTE BURNS & CO., INC.)	
)	
Respondent.)	
_____)	Case D94-25

STIPULATED AGREEMENT AND ORDER

The State of Alaska, Department of Commerce and Economic Development, Division of Insurance (the "Division"), and Lamorte Burns & Co., Inc. stipulate and agree that all matters arising from the Cease and Desist Order issued on or about October 20, 1994 are resolved by agreement as follows:

1. Lamorte Burns & Co., Inc. admits that it violated AS 21.27.010(a) from approximately September 1, 1994 through October 20, 1994 by having unlicensed staff adjust workers compensation claims.

2. Lamorte Burns & Co., Inc. agrees to pay a civil fine in the total amount of \$500, with payment to be made by November 15, 1994. Lamorte Burns & Co., Inc. also agrees that, in the future, it will not violate provisions of the insurance code.

3. The Division of Insurance agrees to issue a license to Joanne Kell who will be designated as the ^{manager} principal in a firm for Lamorte Burns & Co., Inc. at the Anchorage, Alaska location.

DEPARTMENT OF LAW
OFFICE OF THE ATTORNEY GENERAL
ANCHORAGE BRANCH
1031 W. FOURTH AVENUE, SUITE 200
ANCHORAGE, ALASKA 99501
PHONE: (907) 269-5100

1 4. Lamorte Burns & Co., Inc. has been advised of its
2 right to seek the advice of counsel regarding the terms of this
3 Stipulated Agreement and Order and has declined to do so.

4 BRUCE M. BOTELHO
5 ATTORNEY GENERAL

6 DATED: November 14, 1994

7 By: Signe P. Andersen
8 Signe P. Andersen
9 Assistant Attorney General

10 LAMORTE BURNS & CO., INC.

11 DATED: November 09, 1994

12 By: Barbara J. Grissom
13 Barbara Grissom

14 **ORDER**

15 IT IS ORDERED that this Stipulated Agreement and Order
16 is adopted in full resolution of the issues in this case, and
17 shall constitute the final order in this matter.

18 DATED this 16th day of November, 1994.

19 DAVID J. WALSH
20 Director of Insurance
21 State of Alaska

22 By: Thelma Snow Walker
23 Thelma Snow Walker
24 Deputy Director

25 DEPARTMENT OF LAW
26 OFFICE OF THE ATTORNEY GENERAL
ANCHORAGE BRANCH
1031 W. FOURTH AVENUE, SUITE 200
ANCHORAGE, ALASKA 99501
PHONE: (907) 269-5100

STATE OF ALASKA
DEPARTMENT OF COMMERCE AND ECONOMIC DEVELOPMENT
DIVISION OF INSURANCE
P.O. BOX 110805
JUNEAU, ALASKA 99811-0805
(907) 465-2515

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STATE OF ALASKA
DEPARTMENT OF COMMERCE AND ECONOMIC DEVELOPMENT
DIVISION OF INSURANCE
CEASE AND DESIST ORDER D94-25

TO: Lamorte Burns & Co. Inc.
4141 B Street, Suite 409
Anchorage, AK 99503-5944

It has been determined by the Division of Insurance that you have engaged in transacting a business of insurance in Alaska, or relative to a subject resident, located or to be performed in Alaska. The transaction of a business of insurance in Alaska is defined in AS 21.90.900(39), which states:

- "Transact" with respect to insurance includes
- (A) solicitation and inducement;
 - (B) preliminary negotiations;
 - (C) effectuation of contract of insurance;
 - (D) transaction of matters subsequent to effectuation of the contract of insurance and arising out of it.

In order to transact insurance in Alaska, a person must hold the appropriate license. This is required by AS 21.27.010(a) which states:

A person may not act as or represent to be an insurance producer, managing general agent, reinsurance intermediary broker, reinsurance intermediary manager, surplus lines broker, or independent adjuster in this state or relative to a subject resident, located or to be performed in this state unless licensed under

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this chapter. A person may not act as or represent to be a managing general agent, reinsurance intermediary broker, or reinsurance intermediary manager representing an insurer domiciled in this state regarding a risk located outside this state unless licensed by this state.

AS 21.27.440(a) states:

In addition to any other penalty provided by law, a person that the director determines under AS 21.06.170 - 21.06.240 has violated the provisions of this chapter is subject to

- (1) a civil penalty equal to the compensation promised, paid, or to be paid, directly or indirectly, to a licensee in regard to each violation;
- (2) either a civil penalty of not more than \$10,000 for each violation or a civil penalty of not more than \$25,000 for each violation if the director determines that the person willfully violated the provisions of this chapter; and
- (3) denial, nonrenewal, suspension or revocation of a license.

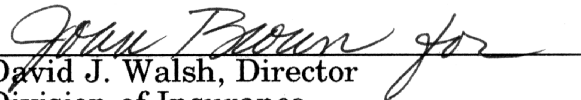
AS 21.90.020 states:

A person determined by the director, following an appropriate hearing as provided in AS 21.06.170 - AS 21.06.230, to have violated a provision of this title or a regulation adopted under it, for which violation a greater penalty is not provided in this title, is subject to a civil penalty of not more than \$2,500.

1 Since you do not hold the appropriate license and have been transacting the business
2 of insurance in this state, you are hereby ordered to cease and desist from further
3 violation of Alaska Law. Continued transaction of insurance in Alaska will be
4 considered a gross and willful violation and will be subject to appropriate
5 administrative action, as well as possible criminal remedies.

6
7 This order is effective immediately.

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9 Dated at Juneau, Alaska this 20th day of October, 1994.

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14 David J. Walsh, Director
15 Division of Insurance

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STATE OF ALASKA
DEPARTMENT OF COMMERCE AND ECONOMIC DEVELOPMENT
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