

1 STATE OF ALASKA
2 DEPARTMENT OF COMMERCE AND ECONOMIC DEVELOPMENT
3 DIVISION OF INSURANCE

4 CEASE AND DESIST ORDER D94-26

5 TO: The Good Samaritan Program The Good Samaritan Association
6 P.O. Box 279 P.O. Box 279
7 Beech Grove, IN 46107 Beech Grove, IN 46107

8 Dr. Gene Hood
9 P.O. Box 279
10 Beech Grove, IN 46107

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

15 "transact" with respect to insurance includes:

- 16 (A) solicitation and inducement;
- 17 (B) preliminary negotiations;
- 18 (C) effectuation of a contract of insurance;
- 19 (D) transaction of matters subsequent to effectuation of the contract
20 of insurance and arising out of it.

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

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

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 . . .

STATE OF ALASKA
DEPARTMENT OF COMMERCE AND ECONOMIC DEVELOPMENT
DIVISION OF INSURANCE
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ANCHORAGE, ALASKA 99515
(907) 349-1230

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(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 wilfully violated the provisions of this chapter

AS 21.90.020 states:

A person determined by the director, following an appropriate hearing as provided in AS 21.06.170 - 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.

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

This order is effective immediately.

Dated at Anchorage, Alaska this 22nd day of November, 1994.

DAVID J. WALSH
Director
Division of Insurance

By *Thelma Snow Walker*
Thelma Snow Walker
Deputy Director

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