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STATE OF ALASKA

DEPARTMENT OF COMMERCE, COMMUNITY, & ECONOMIC DEVELOPMENT

DIVISION OF INSURANCE

In the Matter of:)
)
SHANNAN K. KINCADE,)
)
Licensee.)
_____)

Case No. D 06-02

STIPULATED AGREEMENT AND ORDER

The Division of Insurance (division) and Shannan K. Kincade (Ms. Kincade), stipulate and agree to the following:

I. BACKGROUND

A. On or about March 29, 2004, the division reissued an individual in a firm limited lines insurance producer license to Ms. Kincade, under license number 13448. She previously had been licensed until January 19, 2001. The license has subsequently been renewed and is due to expire on January 16, 2007. Ms. Kincade was formerly employed at Alyeska Title Guaranty Agency, d/b/a Alyeska Escrow Services.

B. The division alleges that, upon a complaint from Jeffrey M. Culbertson, Ms. Kincade's ex-husband, the division initiated an investigation of Ms. Kincade. On or about October 5, 2005, a female calling herself "Sherry" and representing herself to be with First American Title, telephoned GMAC and requested that form 1003 of Mr. Culbertson be faxed to her so she could add it to her file. Form 1003 contains a customer's social security number, date of birth, income, and credit card and bank account information. GMAC did not comply with the request. The division's investigation revealed that the phone and fax numbers

1 provided by "Sherry" were not related to First American, but were in fact those of Ms. Kincade
2 at Alyeska Title. Phone records indicate the calls to GMAC were made from Ms. Kincade's
3 phone.

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5 C. Ms. Kincade denied making these calls when interviewed by a division
6 investigator and claimed that she had contacted GMAC about another loan file that she was
7 handling. Investigation revealed that the loan she identified had closed before October 5, 2005
8 and there was no reason for Ms. Kincade to call anyone at GMAC about it.

9 D. By signing this agreement, Ms. Kincade does not admit or agree with any
10 of the facts alleged above, and continues to deny same; however, she agrees to submit to
11 administrative action and penalties under AS 21.27.410 - 21.27.440 and AS 21.36.360 solely to
12 avoid the costs of litigation.

13 E. The director has fully reviewed the alleged circumstances regarding Ms.
14 Kincade's behavior.

15 II. TERMS OF AGREEMENT

16 1. Pursuant to AS 21.27.420, the division will suspend Ms. Kincade's
17 limited lines insurance producer license for one year commencing effective on September 1,
18 2006. Ms. Kincade has already surrendered her license to the division.

19 2. Once the suspension is completed and upon her reapplying, the division
20 will reinstate license number 13448 to Ms. Kincade subject to the following conditions:

21 a. When Ms. Kincade applies to reinstate her license, she must
22 comply with the continuing education requirements necessary for license renewal. If she does
23 not reapply before December 1, 2007, any subsequent application would require that she retake
24 and pass the examination required under AS 21.27.060.
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b. Within three months of the date of license reinstatement, Ms. Kincade will successfully complete a course in professional ethics in insurance that has been approved in advance by the director or her designee and provide proof of that completion to the division.

c. Ms. Kincade will submit to the division quarterly sworn statements indicating that she has complied with the insurance code and applicable regulations. The statements must also be signed under oath by her supervisor or the compliance officer of the firm where she is employed. If her supervisor or the compliance officer changes, Ms. Kincade agrees to provide the director with a letter from the new person agreeing to assume the obligations of the supervisor or compliance officer under this agreement. The statements should be in a form similar to the attached Exhibit A. These conditions will remain in effect for two years from the date the division reinstates Ms. Kincade's license.

d. During the two-year period from the license reinstatement date, Ms. Kincade must provide her employer and, before commencing new employment, any new employer with a copy of this agreement.

e. Ms. Kincade agrees to pay a civil penalty under AS 21.27.440(a) in the amount on \$5,000 with \$5,000 suspended.

f. In the event Ms. Kincade violates the insurance code or applicable regulations during the next two years following reinstatement, the suspended civil penalty under e. of this paragraph will be reinstated. Ms. Kincade's license also will be subject to any and all sanctions authorized by the insurance code including imposition of additional fines or penalties.

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3. By signing this agreement, Ms. Kincade understands that any failure to comply with the terms of this agreement may be grounds to revoke, further suspend, or non-renew Alaska insurance license number 13448.

4. Ms. Kincade understands that this agreement is not binding on the parties unless and until the director signs the order approving the agreement.

DATED: 12/19/06

DIVISION OF INSURANCE

By: Linda Brunette
Linda Brunette
Program Coordinator

DATED: 12/5/06

Shannan K. Kincade
Shannan K. Kincade

Approved as to form and content:

DATED: 12/13/06

DAVID W. MARQUEZ
ATTORNEY GENERAL

By: Daniel Wilkerson
Daniel Wilkerson
Assistant Attorney General

ORDER

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

DATED this 21st day of December, 2006.

Linda S. Hall
Linda S. Hall
Director