

1 **BEFORE THE ALASKA OFFICE OF ADMINISTRATIVE HEARINGS**
2 **ON REFERRAL FROM THE DIRECTOR OF THE DIVISION OF INSURANCE**

3 In the Matter of)
)
4 ALEX A. TATE) OAH No. 07-0086-INS
 d/b/a TATE INSURANCE SERVICES) Agency No. D 07-03
5 _____)

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7 **ORDER OF REVOCATION**

8 The Director of the Division of Insurance issued a final decision and order in the above-
9 referenced case on December 2, 2008. Under that order the individual producer license
10 (No. 3698) issued to Alex A. Tate was placed on probation for 12 months.

11 As a condition of that license probation, Mr. Tate was required to submit to the division,
12 every three months, an affidavit attesting that he has complied with the insurance statutes and
13 regulations in Alaska during that period. The first affidavit from Mr. Tate was due on March 2,
14 2009.

15 The order also imposed a civil penalty of \$48,000, with \$38,000 suspended. The
16 unsuspended portion of the civil fine was due within six months of the effective date of the
17 order, or by June 2, 2009.

18 After the order was issued, Mr. Tate contacted the division to report having medical
19 difficulties, and to request more time to pay the fine. The director considered the
20 communications from Mr. Tate as a request to modify the conditions of license probation set
21 out in the order.

22 Exercising her discretion, the director amended the conditions of Mr. Tate's license
23 probation to grant a 45-day extension from the original due date, or until April 17, 2009, for
24 submission of Mr. Tate's first affidavit. The director also modified the probation conditions to
25 require Mr. Tate to pay only one-half of the unsuspended portion of the fine (\$5,000) by the
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STATE OF ALASKA
DEPARTMENT OF COMMERCE, COMMUNITY, AND ECONOMIC DEVELOPMENT
DIVISION OF INSURANCE
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1 original due date of June 2, 2009. The director granted Mr. Tate a 90-day extension of the due
2 date for the second \$5,000 payment, until September 2, 2009.

3 A payment of \$5,000 towards the unsuspended portion of the fine was made to the
4 division on June 1, 2009. In a cover letter accompanying the payment Mr. Tate asked the
5 director to let him know whether any more funds were due.

6 Under the modified order, the first affidavit from Mr. Tate was due on April 17, 2009.
7 The second quarterly affidavit was due on June 2, 2009. An affidavit dated June 29, 2009 from
8 Mr. Tate was received by the division on June 30, 2009. The affidavit stated "that during the
9 past three months I have complied with, and have not violated, the provisions of the Alaska
10 insurance code and all applicable regulations." This affidavit, which was due on June 2, 2009
11 and is therefore delinquent, should have covered the months of March through May 2009. The
12 division has not received the affidavit that was due April 17, 2009 that would cover the three-
13 month period of December 2008 through February 2009.

14 The December 2, 2008 order specified (at pages 25-26) that any violation of the Alaska
15 Insurance Code during the probationary period, or any failure to comply with a requirement of
16 the decision and order, "will result in the automatic reinstatement of the unsuspended portion of
17 the fine." Despite receiving an extension of time to comply with the director's original order,
18 Mr. Tate has failed to submit timely two required affidavits of compliance.

19 Because of his failure to comply with the modified order, on June 30, 2009 the director
20 issued an order that, in compliance with the terms of the December 2, 2008 order, reinstated the
21 suspended portion of the fine (\$38,000). That order provided that the unpaid balance of
22 \$43,000 would be due July 31, 2009 and that the reinstatement of the suspended portion of the
23 fine did not affect the requirement for the submission of quarterly affidavits from Mr. Tate.
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To date, Mr. Tate has failed to submit the required affidavits and has failed to pay the required \$43,000 fine.

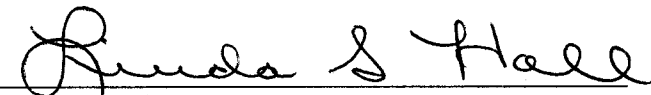
AS 21.27.440(b) provides that upon "failure to pay a civil penalty when due, the director shall revoke, without further hearing, all licenses of the licensee not already revoked."

Therefore

IT IS ORDERED:

The individual producer license number 3698 issued to Alex Alexander Tate, d/b/a Tate Insurance Services is hereby REVOKED. Mr. Tate may not seek to be licensed in this state for a period of 25 years from the date of this order.

Dated and effective this 7th day of August, 2009.


Linda S. Hall
Director of Insurance

I hereby certify that on the 7th day of August, 2009 I faxed and mailed copies of this document to the following persons:

Alex A. Tate
d/b/a Tate Insurance Services
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(Certified mail)

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