

STATE OF ALASKA

DEPARTMENT OF COMMERCE, COMMUNITY, AND ECONOMIC DEVELOPMENT

DIVISION OF INSURANCE

In re:)
)
 APPLICATION FOR LICENSE OF)
 SANDRA NUNES)
)
)
)
)
)
)
)

Case No. LD 14-01

STATEMENT OF ISSUES

Lori Wing-Heier, Director of the division of insurance (division), Department of Commerce, Community, and Economic Development (DCCED), State of Alaska, states:

1. On or about October 13, 2014, Sandra Nunes (Nunes) submitted an application to the division for a resident insurance producer license.
2. In response to the application question "Have you ever been named or involved as a party in an administrative proceeding, including FINRA¹ sanction or arbitration proceeding regarding any professional or occupational license or registration?" Nunes answered "Yes."
3. Nunes attached two documents to her application relating to her application answer above. The first document was an unsigned Memorandum of Agreement (MOA) between Nunes and the Division of Corporations, Business, and Professional Licensing

¹ FINRA is the Financial Industry Regulatory Authority, an independent, not-for-profit organization authorized by Congress to protect America's investors by making sure the securities industry operates fairly and honestly. FINRA is not involved in this case.

(DCBPL) regarding a matter that was before the Alaska Real Estate Commission (commission).

4. A review of the records of the commission confirms that on or about March 13, 2006, Nunes' real estate salesperson license was suspended by the commission and Nunes had entered into a MOA with the DCBPL following an investigation involving allegations that she falsified a gift letter to a financial institution and assisted a client to commit loan fraud.

5. The commission records also indicate that Nunes "received a one year license suspension, a \$5,000 fine with \$2,500 suspended, 21 credits of additional education in ethical decision making in real estate transactions, and in business and professional ethics, an audit of all past transactions conducted in 2005, 2-year license probation once she returns to practice, and a reprimand."

6. The second document provided by Nunes as an attachment to her insurance producer license application was a statement by Nunes indicating she had violated her real estate suspension and surrendered her real estate license.

7. The commission records confirm that "[d]uring her license suspension, she completed another real estate transaction" and that the commission, at its meeting on or about June 17-18, 2010 voted to "accept the license surrender of Sandra Nunes."

8. The second document provided by Nunes as an attachment to her insurance producer license application also included a statement by Nunes that she applied in 2012 to have her real estate salesperson license reinstated but it was denied.

9. The commission records confirm that on or about December 5, 2013, the commission "adopted the final decision to deny Ms. Nunes' re-licensure." The commission records also noted: "Ms. Nunes failed to prove, by a preponderance of the evidence, that she can practice real estate competently and safely."

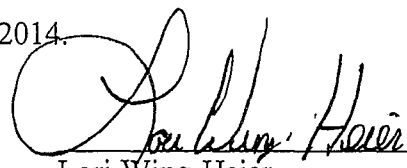
10. AS 21.27.020(a) provides: "For the protection of the people of this state, the director may not issue or renew a license except in compliance with this chapter and not issue a license to a person, or to be exercised by a person, found by the director to be untrustworthy, incompetent, or who has not established to the satisfaction of the director that the person is qualified under this chapter."

11. AS 21.27.020(b)(4) provides: "To qualify for issuance or renewal of an individual license, an applicant or licensee shall...(4) be a trustworthy person."

12. Pursuant to AS 21.27.020(a) and (b)(4), the application of Sandra Nunes for an insurance producer license is hereby DENIED.

13. Although this is not an Accusation as referred to in AS 44.62.390, if you do not request a hearing within 15 days after the receipt of this Statement Of Issues, you will have waived your right to a hearing. The attached Notice of Rights and the Request For Hearing And Notice of Defense are both incorporated by reference as if fully set forth in this Statement Of Issues.

DATED this 10th day of December, 2014.


Lori Wing-Heier
Director

I certify that on the 12 day of December, 2014, I mailed by certified mail copies of this document, the Notice of Rights, and the Request For Hearing to the following party:

Sandra Nunes
300 ½ E Mannor Ave
Unit A
Anchorage, AK 99501


Chip Wagoner

NOTICE OF RIGHTS

Case No. LD 14-01

ALTHOUGH THIS IS NOT AN ACCUSATION AS REFERRED TO IN AS 44.62.390, IF YOU DO NOT REQUEST A HEARING WITHIN 15 DAYS AFTER RECEIPT OF THE STATEMENT OF ISSUES, THIS WILL CONSTITUTE A FINAL ORDER OF THE DIRECTOR EFFECTIVE THE DATE THE STATEMENT OF ISSUES WAS ISSUED.

You may request a hearing before the Division of Insurance to give you the opportunity to present a defense to the charges and allegations made in the Statement of Issues.

You must appear in person at the time and place designated in the Notice of Hearing if you intend to contest the charges and allegations made against you. You may be represented by counsel.

You may file a Request for Hearing and Notice of Defense with the director following service of the statement but not later than 15 days after service. The Request for Hearing and Notice of Defense may be in a form of your own choice or you may use the Request for Hearing and Notice of Defense provided with the Statement of Issues.

You may waive the hearing. The Request for Hearing and Notice of Defense is considered a specific denial of all parts of the statement not expressly admitted except that an admission to the statement will be deemed to exist when a hearing is waived or not requested. If, after the 15-day period, the director has not received a Request for Hearing and Notice of Defense from you, the Statement of Issues will become the FINAL ORDER IN THIS MATTER.

The Request for Hearing and Notice of Defense must be in writing, signed by you or on your behalf by counsel. **It must specify the grounds to be relied upon at the hearing as a basis for relief.** It must be dated and your current mailing address must be shown.

You may check one or more of the grounds listed on the Request for Hearing and Notice of Defense form. You may admit the statement in whole or in part.

You may have a reasonable opportunity to inspect all documentary evidence and to examine witnesses. You may present evidence in support of your defense.

You may have subpoenas executed by the director or the director's designee to compel attendance of witnesses and production of evidence on your behalf. A statement of materiality must accompany each request for execution. You are responsible for serving the subpoenas. The subpoena ready for execution may be presented to the Anchorage or Juneau office of the Division of Insurance for execution no later than 10 days prior to the hearing date. Witness fees, mileage, and the actual expenses necessarily incurred in securing attendance of witnesses and their testimony shall be paid by you.

You may request a full stenographic record of the proceedings made by a competent reporter. You must make arrangements for the reporter and advise the director of your intent to make such a record at least five days before the hearing date. You must pay for the record and provide a copy of the transcript for the director.

You should carefully read AS 21.06.170 -- 21.06.230 and other statutes referred to in the Statement of Issues. These statutes deal further with your rights and matters pertaining to the issue at hand.

REQUEST FOR HEARING AND NOTICE OF DEFENSE

TO: Director of Insurance
550 West Seventh Avenue, Ste. 1560
Anchorage, AK 99501-3567

CASE NUMBER LD 14-01

Re: Application For License Of Sandra Nunes -Statement of Issues

- I request a hearing on the grounds listed below as required by AS 21.06.180.
 - I do not admit the accusation(s) or statement(s) and will provide a defense at hearing.
 - I object to the accusation(s) or statement(s) upon the ground that it does not state acts or omissions upon which the director may proceed. Note explanation below.
 - I admit the accusation(s) or statement(s), but wish to present a defense to mitigate the proposed penalty.
 - My defense will be made with or by counsel. My counsel's name, address, and phone number are
-

Explanation:

Dated: _____

Signature of Respondent

Current Mailing Address and Phone No.