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STATE OF ALASKA
DEPARTMENT OF COMMERCE & ECONOMIC DEVELOPMENT
DIVISION OF INSURANCE

In re:)
)
APPLICATION FOR LICENSE)
OF THOMAS MALONE,)
2860 BONANZA TRAIL)
FAIRBANKS, ALASKA 99708.)
Case No. LD 95-04

STATEMENT OF ISSUES

Marianne K. Burke, Director, Division of Insurance
("division"), Department of Commerce and Economic Development,
State of Alaska, states:

1. On or about June 26, 1995, Thomas Malone applied for
an individual limited lines insurance license.

2. In Section 16 of the license application form, he
was asked "Have you ever been convicted of a felony or
misdemeanor?" Malone responded "No" to this question and certified
under penalty of perjury that he had read the application and that
the statements contained therein were true and correct. He also
certified his understanding that any false statement on the
application may subject him to penalties including denial of a
license.

3. In searching the Alaska Public Safety Information
Network, the division learned through one of its investigators that
Malone had been convicted of two misdemeanors. In 1986, Malone was
convicted of obstructing the highway in violation of AS
11.61.150(a) and of failing to give immediate notice of an accident
in violation of AS 28.35.050(c). These convictions arose out of a


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1 incident where Malone hit a unoccupied parked car along side the
2 highway and left the scene of the accident, failing to give notice
3 of the accident to the police and to the owner of the hit vehicle.
4 Malone left the scene with the vehicles blocking lanes of travel on
5 the highway. After pleading no contest to the charges, Malone was
6 ordered to pay fines and was placed on probation until November,
7 1987.

8 4. Based on the above information, Malone wilfully
9 misrepresented that he had not been convicted of a misdemeanor on
10 his application for an insurance license. Such misrepresentation
11 is a basis to deny a license under AS 21.27.410(a)(3) and also
12 reflects untrustworthiness, which precludes issuance of a license
13 under AS 21.27.020(a).

14 5. Pursuant to AS 21.27.020(a), 21.27.020(b)(4) and
15 (6), and 21.27.410(a)(3), the application of Thomas Malone for a
16 limited license is DENIED.

17 DATED this 12th day of October, 1995.

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19 Marianne K. Burke
20 Director, Division of Insurance
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STATE OF ALASKA

DEPARTMENT OF COMMERCE AND ECONOMIC DEVELOPMENT

BEFORE THE DIVISION OF INSURANCE

In the Matter of:)
)
 Thomas Malone,)
)
 Applicant/Appellant.)
 _____)

Case No. LD95-04

STIPULATED AGREEMENT AND ORDER

The Division of Insurance, Department of Commerce and Economic Development ("the division"), and Thomas Malone ("Malone"), the Applicant/Appellant in this case, stipulate and agree that the Statement of Issues dated October 13, 1995 shall be resolved as follows:

1.) The division will issue Malone a conditional limited lines insurance producer license under AS 21.27.420(c), subject to his compliance with all provisions of this Stipulated Agreement and Order.

2.) Malone will provide the division with a sworn affidavit stating that:

a.) he admits answering question 16(e) on the license application incorrectly;

b.) he admits having two misdemeanor convictions that were not disclosed to the division; and

c.) he did not intentionally misrepresent or fail to disclose the convictions on his license application.

3.) Malone is assessed a civil fine of \$500 with \$250

DEPARTMENT OF LAW
 OFFICE OF THE ATTORNEY GENERAL
 ANCHORAGE BRANCH
 1031 W. FOURTH AVENUE, SUITE 200
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1 suspended on condition that he does not violate Alaska insurance
2 laws or applicable regulations for his first license period plus
3 one renewal period. The unsuspended portion of the fine shall be
4 paid prior to issuance of Malone's limited lines producer license.
5 If Malone violates the insurance code during the period of time
6 his license is conditioned, the suspended portion of the fine will
7 be reinstated in addition to other applicable fines or penalties
8 authorized by statute.

9 4.) By signing this agreement, Malone understands and
10 agrees that any wilful misrepresentation to the division is
11 grounds to revoke, non-renew, or deny issuance of a license.

12 5.) Malone further understands and agrees that issuance
13 of a limited lines producer license is conditioned upon his
14 compliance with this agreement and future compliance with the
15 insurance code.

16 6.) Malone acknowledges that he has been advised by
17 legal counsel regarding the nature and purpose of this Stipulated
18 Agreement and Order and that he understands it.

19 DATED: 1/3/96

BRUCE M. BOTELHO
ATTORNEY GENERAL

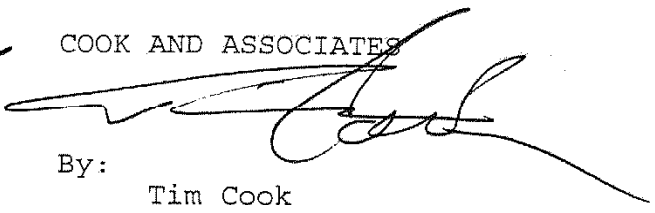
20 By: Signe P. Andersen
21 Signe P. Andersen
22 Assistant Attorney General
23 Representing the
24 Division of Insurance

25 DATED: Dec. 29, 1995

26 Thomas Malone
Thomas Malone
Applicant/Appellant

1 Approved as to form and content:

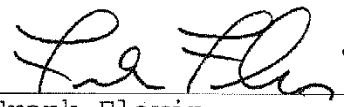
2
3 DATED: 3 January 1996 COOK AND ASSOCIATES



5 By: Tim Cook
6 Attorneys for
7 Applicant/Appellant

8 RECOMMENDED FOR APPROVAL

9 The Stipulated Agreement and Order is recommended for
10 approval by the Director of Insurance this 5th day of January,
11 1996.

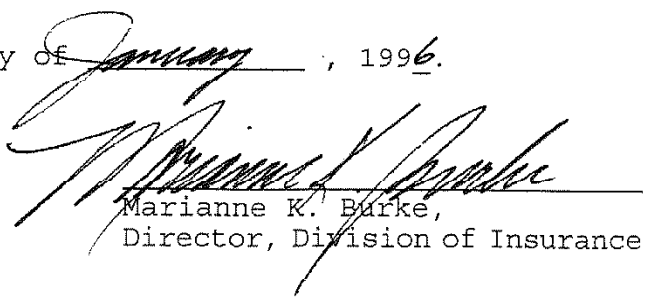


12 Frank Flavin
13 Hearing Officer

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

19 DATED this 5th day of January, 1996.


22 Marianne K. Burke,
23 Director, Division of Insurance

24 DEPARTMENT OF LAW
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