

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

In the Matter of:)
BRETT BERNARD BROWN,)
Respondent.)
_____) Case LD95-05

STIPULATED AGREEMENT AND ORDER

The Division of Insurance, Department of Commerce and Economic Development ("the division") and Brett Bernard Brown ("Brown") respondent in this case, stipulate and agree that the Statement of Issues dated November 21, 1995 is resolved as follows:

1. Brown admits that his "No" response to a question on the license application regarding prior misdemeanor convictions was incorrect and that the correct response should have been "Yes". Brown further admits that he certified on the license application that he had read the application and that the statements were true and correct, even though the statement regarding convictions was incorrect. Brown understands that a wilful misrepresentation to the division is grounds to deny, revoke, suspend, or non-renew an insurance producers license.

2. Under AS 21.27.420(c), the division agrees to issue Brown an insurance producer's license, subject to his compliance with the following conditions:

1 a. that Brown submit to the division quarterly
2 sworn statements indicating that he is in compliance with the
3 insurance code and applicable regulations. The statements are
4 due on the 10th day of the first month of each quarter. This
5 condition will remain in effect for two years from the date the
6 director signs this Stipulated Agreement and Order.

7 b. that Brown pay a civil fine of \$500 with \$250
8 suspended. The unsuspended portion of the fine is payable prior
9 to licensing.

10 3. In the event Brown violates the insurance code or
11 applicable regulations during the next two years, the suspended
12 portion of the fine referenced in paragraph 2b will be
13 reinstated. Brown also will be subject to any and all sanctions
14 authorized by statute including imposition of additional fines or
15 penalties.

16 4. By signing this agreement, Brown understands and
17 agrees that any failure to comply with the conditions of this
18 agreement will be grounds to revoke, suspend, or non-renew his
19 license.

20 5. Brown acknowledges that he has been advised by
21 legal counsel regarding the nature and purpose of this Stipulated


22 ///

1 Agreement and Order and that he understands it.

2 DATED: 2/14/96

BRUCE M. BOTELHO
ATTORNEY GENERAL

3
4 By:


Signe P. Andersen
Assistant Attorney General
Attorney for the Division
of Insurance

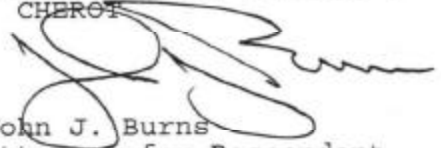
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8 DATED: 2-15-96

BIRCH, HORTON, BITTNER &
CHEROKEE

9
10 By:

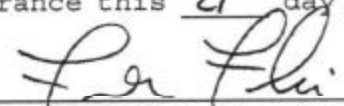

Brett B. Brown

By:


John J. Burns
Attorney for Respondent

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12 RECOMMEND FOR APPROVAL

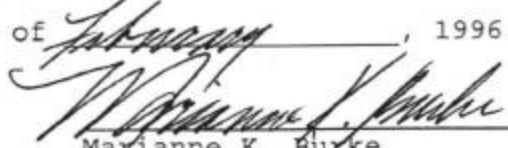
13 This Stipulated Agreement and Order is recommended for
14 approval by the Director of Insurance this 21st day of February,
15 1996.

16 
Frank Flavin, Hearing Officer

17 ORDER

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

21 DATED this 22nd day of February, 1996.

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23 
Marianne K. Burke
Director of Insurance
State of Alaska

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ANCHORAGE, ALASKA 99503-5948
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STATE OF ALASKA
DEPARTMENT OF COMMERCE & ECONOMIC DEVELOPMENT
DIVISION OF INSURANCE

In re:)
)
Application for license of)
BRETT BERNARD BROWN,)
3274 Helen Place)
Fairbanks, AK 99709-2645)
_____)

Case No. LD 95-05

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 August 10, 1995, Brett Bernard Brown, ("Brown")
applied for an individual insurance producer license for life and disability lines.
Brown used an outdated application form and was asked by the division to
complete a current application form, revised in January 1995.

2. On or about August 28, 1995, the division received Brown's
application on the current form.

3. One of the questions in section 11 of the license application is
"Have you ever been convicted of a felony or misdemeanor?" Brown indicated an
answer of "No" to this question and signed the statement in section 18 that
certified under penalty of perjury that he had read the application and that the
statements contained in it were true and correct. This notarized statement also

1 certified Brown's understanding that any false statement on the application could
2 subject him to penalties including denial of a license.

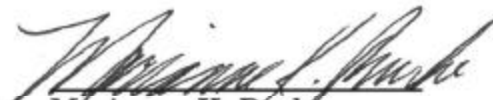
3 4. In searching the Alaska Public Safety Information Network,
4 one of the division's investigators learned that Brown had two misdemeanor
5 convictions, both of which Brown failed to disclose to the division as required by
6 the current application form. Specifically, Brown was convicted of driving while
7 intoxicated, AS 28.35.030(a)(1) & (2), on April 27, 1987. On March 29, 1990, a
8 petition to revoke Brown's probation was filed as a result of his failure to comply
9 with a condition of his probation under the April 1987 sentence. An arrest
10 warrant was issued and executed, and a fine of \$250 was levied. Brown's failure
11 to pay this fine resulted in the attachment of his permanent fund dividend check
12 by the Attorney General to satisfy the levy. The other conviction was for driving
13 without a valid license, AS 28.15.011(b), and for basic speed under
14 13 AAC 02.275(a) for which he was cited on October 25, 1989. Although the fine
15 under this judgment was only \$80, Brown failed to appear in court for
16 sentencing, and two orders to show cause and a bench warrant needed to be
17 issued to cause Brown finally to appear before the court on or about April 27,
18 1990.

19 5. Brown's denial that he been convicted of a misdemeanor on
20 his application for an insurance license constitutes wilful misrepresentation,
21 which is a basis to deny a license under AS 21.27.410(a)(3). His behavior before
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1 and after the misdemeanor convictions reflects an untrustworthiness that
2 precludes issuance of a license under AS 21.27.020(a).

3 6. Pursuant to AS 21.27.020(a), 21.27.020(b)(4) and (6), and
4 21.27.410(a)(3), the application of Brett Bernard Brown for an insurance
5 producer license is hereby DENIED.

6 DATED this 21st day of November, 1995.

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9 Marianne K. Burke
10 Director
11 Division of Insurance
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