

STATE OF ALASKA

DEPARTMENT OF COMMERCE & ECONOMIC DEVELOPMENT

DIVISION OF INSURANCE

In re:)
)
 APPLICATION FOR LICENSE)
 OF DARYL HUNTER, a/k/a)
 DARROLD J. HUNTER,)
 8023 East 36th Avenue)
 Anchorage, AK 99504.)
 _____)

Case No. LD96-04

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 February 20, 1996, the division received an application for an insurance producer license from Daryl Hunter (Hunter).
2. Section 12(e) of the application asks "Have you ever been convicted of a felony or misdemeanor?" At the end of this section is the following sentence: "If you have answered "yes" to any of these questions, you must submit a notarized statement detailing: 1.) date of occurrence; 2.) the name and address of the court; and 3.) the circumstances." Hunter answered "yes" to question 12(e) and attached a notarized statement, dated February 5, 1996. (Exhibit A attached.) The statement listed two "DUIs," one in Anchorage on February 6, 1988 and one in Dillingham, on June 30, 1989.

3601 C STREET, SUITE 1324
 ANCHORAGE, ALASKA 99503-5948
 PHONE (907) 269-7900
 FAX (907) 269-7910
 TDD (907) 465-5437

STATE OF ALASKA
 DEPARTMENT OF COMMERCE AND ECONOMIC DEVELOPMENT
 DIVISION OF INSURANCE
 800 E. DIMOND BLVD., SUITE 660
 ANCHORAGE, ALASKA 99515
 (907) 349-1280

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3. In signing the license application, Hunter certified "under penalty of perjury that I have read the foregoing application and know the contents thereof and that each statement therein made is full, true and correct."

4. In conducting a routine investigation, one of the division's investigators learned that, in addition to the two "DUIs" Hunter acknowledged in his application, Hunter had been convicted of the following:

a. on March 10, 1986, failure to give information and render aid, in violation of AMC 9.10.040, for which Hunter was sentenced to 30 days in jail with 30 suspended, fined \$100 with \$50 suspended, and required to attend and complete defensive driving school;

b. on November 30, 1989, eluding a police officer and driving while license revoked, in violation of AMC 9.28.011 and AMC 9.12.010B, respectively, for which Hunter was sentenced to 60 days in jail with 60 suspended and 270 days in jail with 180 suspended, respectively, and fined \$1,000; his license was revoked for one year, and on June 18, 1991, his still unpaid fine was referred to the collections division of the Municipality of Anchorage for issuance of a writ of execution; and

c. on August 15, 1994, felonious theft in the second degree, in violation of AS 11.46.130(a)(1) and 11.46.210(a)(1) and (a)(2), for which Hunter received a suspended imposition of sentence subject to five years probation, 250 hours of community work service, restitution of \$ 2,675.01, and payment of a fine of \$2,500.

1 5. Hunter also did not disclose on his application that, at the time
2 of his Anchorage "DUI" conviction, he was also convicted of driving without a
3 valid license, in violation of AMC 9.12.010A. As a result of these convictions,
4 Hunter was sentenced to a total of 55 days in jail with 50 days suspended, fined
5 a total of \$350, and was subject to various conditions of probation, including
6 attendance at an Alcohol Safety Action program. Hunter failed to pay the fine,
7 which necessitated a writ of execution on his permanent fund dividend. He also
8 failed to comply with the terms of his probation, which resulted in revocation of
9 his probation and imposition of the suspended sentences for these convictions.
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11 6. Hunter's felony theft conviction arose out of action he took as a
12 self-employed licensed process server. His business involved serving writs of
13 execution and notices of levy on permanent fund dividend checks. During
14 October and November of 1993, Hunter deposited into his business account six
15 separate checks in the total amount of \$2,675.01 from levies on permanent fund
16 dividends executed on behalf of certain creditors. Subsequent to deposit, Hunter
17 withdrew the funds for his own use and never remitted the money to the
18 appropriate creditors as he was required to do by law.
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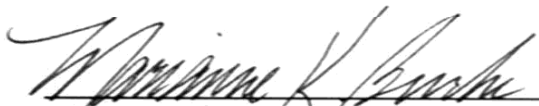
20 7. Hunter's felony conviction is grounds to deny issuance of a
21 license under AS 21.27.410(a)(7). His failure to disclose all of his convictions
22 with his application for an insurance license constitutes wilful misrepresentation,
23 which is a basis to deny a license under AS 21.27.410(a)(3). Hunter's violation of
24 his fiduciary obligations under an occupational license and his noncompliance
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with the sentencing terms of at least two of his convictions demonstrate
untrustworthiness that further warrants denial of a license under
AS 21.27.020(a).

8. Pursuant to AS 21.27.020(a), 21.27.020(b)(4) and (6), and
21.27.410(a)(3) and (7), the application of Daryl Hunter for an insurance
producer license is hereby DENIED.

DATED this 27th day of June, 1996.


Marianne K. Burke
Director
Division of Insurance

SOIDJH.PBK