

STATE OF ALASKA

DEPARTMENT OF COMMUNITY & ECONOMIC DEVELOPMENT

DIVISION OF INSURANCE

In re:)
)
 APPLICATION FOR LICENSE)
 OF HYE S. YOON,)
 6152 East 12th Avenue, #B-2)
 Anchorage, AK 99504.)
 _____)

Case No. LD99-02

STATEMENT OF ISSUES

Robert A. Lohr, Director, Division of Insurance (division), Department of Community and Economic Development, State of Alaska, states:

1. On or about April 12, 1999, the division received an application for an insurance producer license from Hye S. Yoon (Mr. Yoon) to transact property and casualty lines of insurance. His employer is Son M. Choe.

2. Question 12(e) of the application asks "Have you ever been convicted of a misdemeanor (i.e., driving under the influence (DUI) of the Motor Vehicle Code) or felony in this or any other state or country, or pleaded no contest or nolo contendere to any indictment or complaint for a crime or offense, or received a suspended imposition of sentence and/or been placed on probation?" At the end of this question 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."

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1 3. Because Mr. Yoon answered "yes" to question 12(e) on the application,
2 he submitted a notarized statement dated April 8, 1999. (Exhibit A attached.) This statement
3 revealed the following:

4 a. In January 1990, he pled no contest to robbery in the second degree
5 and received a suspended imposition of sentence.

6 b. In October 1990, he was arrested for tampering with evidence.

7 c. In October 1996, he pled guilty to a charge of violation of condition
8 of release.
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10 4. In conducting a routine investigation, a division investigator obtained the
11 following information regarding the convictions of Mr. Yoon:

12 a. On April 25, 1990, on a plea of no contest, Mr. Yoon was convicted
13 of second degree robbery, in violation of AS 11.41.510, which is a felony. An order suspending
14 imposition of sentence and providing for probation was entered against him, whereby his
15 sentence was suspended for three years and he was placed on probation and required to serve
16 six months imprisonment. Because Mr. Yoon violated the terms of his probation, on November
17 4, 1991, a judgment and order of commitment/probation was entered against him, under which
18 the suspended imposition of sentence dated 4/25/90 was revoked and Mr. Yoon was ordered to
19 serve four years in prison with two years suspended and four years of probation.
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21 b. After having been convicted by a jury of criminal trespass in the first
22 degree, in violation of AS 11.46.320 and of tampering with physical evidence, in violation of
23 AS 11.56.610(a)(1) and AS 11.16.110(2)(B), both of which are felonies, judgment was entered
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1 against Mr. Yoon on February 5, 1992. He was ordered to serve three years in prison on the
2 evidence tampering count and one year, to run concurrently, on the criminal trespass count.

3 c. On January 16, 1997, on a plea of no contest, Mr. Yoon was
4 convicted on a charge of violation of conditions of release under AMC 08.05.186(A), which
5 arose out of an arrest on a charge of trespass. He was sentenced to 180 days in jail with 60 days
6 suspended and placed on probation for a period of five years.

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8 5. In his sworn statement filed with the division, Mr. Yoon failed to
9 disclose the following information relevant to his convictions:

10 a. the fact that he violated the terms of his probation for his robbery
11 conviction, which resulted in revocation of his suspended imposition of sentence for the
12 conviction dated 4/25/90;

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14 b. the fact that, in October 1990, he was not only convicted of
15 tampering with physical evidence, but was convicted of criminal trespass in the first degree as
16 well, which is also a felony; and

17 c. the fact that, after his arrest for trespass in October 1996, he had been
18 told by the police and the court that, as a condition of his release on bail, he was not to return to
19 the premises where he allegedly trespassed and was not to have contact with his wife; whereas
20 in his statement to the division he claimed that the state imposed those conditions without him
21 knowing it.

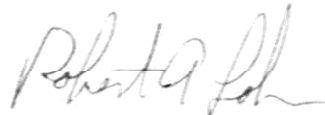
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23 6. Because Mr. Yoon's felony convictions involve crimes of dishonesty,
24 under federal law at 18 U.S.C. 1033(e) he is required to obtain the director's express consent to
25 work in the business of insurance in any capacity. To date, Mr. Yoon has not obtained the
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1 director's express consent although, according to his license application, he has been employed
2 at the insurance firm of Son M. Choe since February 1999.

3 7. Each of Mr. Yoon's felony convictions is a basis to deny a license under
4 AS 21.27.410(a)(7). His criminal convictions also demonstrate untrustworthiness and are a
5 basis to deny a license under AS 21.27.020(b)(4). His omission of relevant information
6 regarding his convictions and misstatement of certain facts in his sworn statement is evidence
7 of wilful misrepresentation and is a basis to deny a license under AS 21.27.040(a) and (c) and
8 21.27.410(a)(3)
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10 6. Pursuant to AS 21.27.020(a), 21.27.020(b)(4) and (6), 21.27.040(a) and
11 (c), and 21.27.410(a)(3) and (7), the application of Hye S. Yoon for an insurance producer
12 license is hereby DENIED.
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14 DATED this 8th day of September, 1999.

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16 _____
17 Robert A. Lohr
18 Director
19 Division of Insurance
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