



THE STATE  
of **ALASKA**  
GOVERNOR MIKE DUNLEAVY

Department of Commerce, Community,  
and Economic Development

DIVISION OF INSURANCE  
Licensing Section

P.O. Box 110805  
Juneau, Alaska 99811-0805  
Main: 907.465.2515  
Fax: 907.465.3422

April 5<sup>th</sup>, 2023

Daniel Scala  
729 SW 2<sup>nd</sup> Avenue  
Pompano Beach, FL 33060  
United States

RE: License Denial  
LD23-03

Greetings,

Enclosed with this letter is an Accusation, which describes the basis for the denial of the insurance producer license application. Also enclosed are the following documents or material:

1. Notice of Rights. This document should be read very carefully. It lists your specific rights in this action.
2. Request for Hearing and Notice of Defense. This document, or one of your own, may be filed with the director no later than 15 days after service of the Statement of Issues.
3. Pertinent Statutes. Copies of AS 21.27.040 and AS 21.27.020 are enclosed. A careful review of these statutes, as well as the statutes cited in the Statement of Issues, is recommended.

Sincerely,

  
Kayla Erickson  
Program Coordinator 2

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STATE OF ALASKA  
DEPARTMENT OF COMMERCE, COMMUNITY AND ECONOMIC  
DEVELOPMENT  
DIVISION OF INSURANCE  
550 W. 7<sup>th</sup> AVENUE, SUITE 1560  
ANCHORAGE, ALASKA 99501-3567

Order No. LD23-03 )  
In the Matter of )  
DANIEL SCALA )  
NPN No. 18378722 )  
\_\_\_\_\_ )

STATE OF ALASKA  
DEPARTMENT OF COMMERCE, COMMUNITY AND ECONOMIC  
DEVELOPMENT  
DIVISION OF INSURANCE  
550 W. 7<sup>th</sup> AVENUE, SUITE 1560  
ANCHORAGE, ALASKA 99501-3567  
PHONE: (907) 269-7900

**ACCUSATION & ORDER OF DENIAL**

Lori Wing-Heier, Director of the Division of Insurance (Division), Department of Commerce, Community, and Economic Development (DCCED), State of Alaska, states the issues on which the accusation is based as follows:

1. On or about January 25<sup>th</sup>, 2023, the Alaska Department of Commerce, Community and Economic Development, Division of Insurance (Division) received an Insurance Producer license application requesting Health authority to engage in the business of insurance for DANIEL SCALA (SCALA), domiciled in the State of Florida.
2. In the initial application SCALA responded negatively to background question 2, indicating SCALA has no administrative actions to report to the State of Alaska. The Producer Database reflects administrative

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1 action taken against SCALA by the state of Kansas, in effect on July  
2 15<sup>th</sup>, 2022. This information has not been disclosed to the Division and  
3 is not in the attachment warehouse.

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5 3. On February 2<sup>nd</sup>, 2023, correspondence was provided to SCALA  
6 providing the opportunity for SCALA to voluntarily withdraw the  
7 application and provide a new, complete, and accurate application. On  
8 February 3<sup>rd</sup>, SCALA reached out to the division requesting to amend  
9 the background questions on the initial application. The Division  
10 advised SCALA to review the correspondence provided on February 2<sup>nd</sup>,  
11 2023, indicating that a failure to respond accurately to a background  
12 question is grounds for denial, but that SCALA was afforded the  
13 opportunity to voluntarily withdraw in order to avoid a formal denial.  
14 No response was received.

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17 4. AS 21.27.040(a) states that "(a) Application for a license shall be made  
18 to the director upon forms prescribed by the director. As a part of or in  
19 connection with the application, the applicant shall furnish information  
20 concerning the applicant's identity, personal history, experience,  
21 business record, purposes, and other pertinent facts that the director may  
22 reasonably require. The applicant shall declare, subject to penalty of  
23 denial, nonrenewal, suspension, or revocation of a license issued by the  
24 director, that the statements made in or in connection with the  
25 application are true, correct, and complete to the best of the applicant's  
26 knowledge and belief..."  
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29 DANIEL SCALA  
Accusation & Order  
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5. 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."

6. 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." Pursuant to AS 21.27.020(a) and (b)(4), the renewal of SCALA'S insurance producer license should be DENIED.

ORDER

**IT IS HEREBY ORDERED**, under the provisions of AS 21.27.020 that SCALA's application for the Insurance Producer license in Alaska under National Producer Number (NPN) # 18378722 is DENIED for supplying inaccurate information on the initial application for licensure. SCALA may seek licensure in Alaska after a period of 12 months has lapsed from the effective date of this order.

This Order is effective the 5<sup>th</sup> day of April 2023.

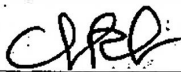
  
LORI WING-HEIER, DIRECTOR  
DIVISION OF INSURANCE

DANIEL SCALA  
Accusation & Order  
LD23-03

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I hereby certify that, on the 5<sup>th</sup> day of April, 2023, I mailed copies of the accusation to:

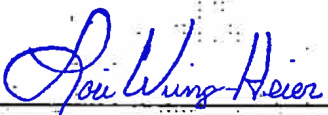
DANIEL SCALA  
729 SW 2ND AVE  
POMPANO BEACH, FL 33060  
United States

  
Marnelle Rembold

**FINAL ORDER**

**IT IS ORDERED** that this license denial is adopted in full resolution of the issues in the case and shall constitute the final order in this matter.

DATED this 25 of April, 2023.

  
LORI WING-HEIER, DIRECTOR  
DIVISION OF INSURANCE

DANIEL SCALA  
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## NOTICE OF RIGHTS

Case No. LD23-03

THIS IS AN ACCUSATION AS REFERRED TO IN AS 44.62.360. 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 ON 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 accusation.

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 also 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 accusation 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 should carefully read AS 21.27.040 and other statutes referred to in the Accusation.**

Sec. 21.27.020. General qualifications for license.

(a) 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 may 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.

(b) To qualify for issuance or renewal of an individual license, an applicant or licensee shall comply with this title and regulations adopted under AS 21.06.090 and

(1) shall be 18 years of age or older;

(2) if for a resident license, shall be a bona fide resident before issuance of the license and actually reside in the state;

(3) shall successfully pass an examination required under AS 21.27.060;

(4) shall be a trustworthy person;

(5) may not use or intend to use the license for the purpose principally of writing controlled business, as defined in AS 21.27.030;

(6) may not have committed an act that is a cause for denial, nonrenewal, suspension, or revocation of a license in this state or another jurisdiction.

(c) To qualify for issuance or renewal of a license as a firm insurance producer, a firm managing general agent, a firm reinsurance intermediary broker, a firm reinsurance intermediary manager, a firm surplus lines broker, or a firm independent adjuster, an applicant or licensee shall

(1) comply with (b)(4) and (5) of this section;

(2) maintain a lawfully established place of business in this state, except when licensed as a nonresident under AS 21.27.270;

(3) designate one or more compliance officers for the firm, except that not more than one compliance officer may be designated for each class of authority;

(4) provide to the director documents necessary to verify the information contained in or made in connection with the application; and

(5) notify the director, in writing, not later than 30 days after a change in the firm's compliance officer.

(d) If the director finds that the applicant or licensee is qualified and that application, license, or renewal fees have been paid, the director may issue or renew the license.

(e) [Repealed, § 94(a) ch 23 SLA 2011.]

(f) The director may adopt regulations establishing additional education or experience requirements for applicants, licensees, and continuing education providers under this chapter upon due consideration of the availability and accessibility of education and training opportunities in rural areas of the state. Regulations adopted under this subsection are subject to the following provisions:

(1) additional educational or experience requirements may not apply to a licensee who has been licensed by the division of insurance before January 1, 1980;

(2) a licensee shall complete at least 24 credit hours of approved continuing education courses during each two-year license period;



(3) if a licensee has accumulated more credit hours than required under (2) of this subsection by the end of the license period, a maximum of eight hours may be carried over to meet the requirements of (2) of this subsection in the next license period;

(4) a program or seminar may not be approved as an acceptable continuing education program unless it is a formal program of learning that contributes to the professional competence of the licensee; individual study programs or correspondence courses may be used to fulfill continuing education requirements if approved by the director;

(5) a nonresident licensee is exempt from the requirements of this subsection.

(g) The director shall establish a continuing education advisory committee. The committee consists of one representative from the division of insurance, one life and health insurance representative, one property and casualty insurance representative, and one independent insurance adjuster representative. Each committee representative from the insurance industry must possess a valid, current insurance license issued in this state for the field to be represented.

(h) The director may make arrangements, including contracting with an outside agency, for administrative services. #

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**Sec. 21.27.025. Required notice of licensee.**

(a) A licensee shall notify the director in writing not later than 30 days after a change in residence, place of business, legal name, fictitious name or alias, mailing address, electronic mailing address, telephone number, or compliance officer. A licensee shall report to the director in writing any administrative action taken against the licensee by a governmental agency of another state, by a governmental agency of another jurisdiction, or by a financial industry regulatory authority sanction or arbitration proceeding not later than 30 days after the final disposition of the action. A licensee shall submit to the director the final order and other relevant legal documents in the action. A licensee shall report to the director any criminal prosecution of the licensee in this or another state or jurisdiction not later than 30 days after the date of filing of the criminal complaint, indictment, information, or citation in the prosecution. The licensee shall submit to the director a copy of the criminal complaint, calendaring order, and other relevant legal documents in the prosecution.

(b) In addition to any other penalty provided by law, a failure to notify the director as required by this section is cause for denial, nonrenewal, suspension, or revocation of a license.

**Sec. 21.27.040. Application for license.**

(a) Application for a license shall be made to the director upon forms prescribed by the director. As a part of or in connection with the application, the applicant shall furnish information concerning the applicant's identity, personal history, experience, business record, purposes, and other pertinent facts that the director may reasonably require. The applicant shall declare, subject to penalty of denial, nonrenewal, suspension, or revocation of a license issued by the director, that the statements made in or in connection with the application are true, correct, and complete to the best of the applicant's knowledge and belief. Payment of an application fee established under AS 21.06.250 must be submitted with the application.

(b) [Repealed, § 47 ch 29 SLA 1987.]

(c) In addition to any other penalty provided by law, a person wilfully misrepresenting a fact required to be disclosed in or in connection with the application or other information required by this section is subject

to the penalties provided for under AS 21.27.440.

(d) The director may require an applicant or licensee at any time, including at the time of license renewal, to supply current information of the type made in or supplemental to an application.

(e) As part of the application required by (a) of this section, a resident applicant shall furnish to the director a full set of fingerprints and the fees required by the Department of Public Safety under AS 12.62.160 for criminal justice information and a national criminal history record check so that the director may obtain criminal justice information as provided under AS 12.62 about the applicant. The director shall submit the completed fingerprint card and fees to the Department of Public Safety for a report of criminal justice information under AS 12.62 and a national criminal history record check under AS 12.62.400.

(f) If, through inaction, an applicant fails to complete the application process, the applicant's application filed with the director under (a) of this section is considered withdrawn. The withdrawal becomes effective 120 days after the filing of the application. If the director has initiated administrative action with respect to an application, withdrawal becomes effective at the time and on the conditions required by an order issued under this chapter.

STATE OF ALASKA

DEPARTMENT OF COMMERCE, COMMUNITY, AND ECONOMIC DEVELOPMENT

DIVISION OF INSURANCE

In the Matter of: )  
)  
DANIEL SCALA )  
)  
Licensee )  
)  
\_\_\_\_\_ )

Case No. LD23-03

REQUEST FOR HEARING AND NOTICE OF DEFENSE

- 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.