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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

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

In the Matter of: )  
)  
Berger Briggs Insurance & Risk Solutions, Inc )  
License # 3001042315 )  
Insurance Producer )  
)  
)  
)

Division of Insurance Case No. D 22-14

STIPULATED AGREEMENT AND ORDER

The State of Alaska Division of Insurance (division) and Berger Briggs Insurance & Risk Solutions, Inc (BERGER BRIGGS), the producer in this case, stipulate and agree to the following:

I. BACKGROUND

A. On October 21<sup>st</sup>, 2020, BERGER BRIGGS received their initial Insurance Producer license with Casualty, and Property lines of authority, license # 3001042315, authorizing BERGER BRIGGS to transact insurance business in Alaska. This license expires October 21<sup>st</sup>, 2022.

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- B. In a routine internal audit performed in August of 2022, it was discovered that BERGER BRIGGS had sold policies prior to receiving their license.
- C. On August 25<sup>th</sup>, 2022, notice was sent to BERGER BRIGGS informing them of the division's audit that revealed policies posted before initial licensure. This notice requested a Business Transaction Form verifying any additional business that may have been placed prior to licensure in the state of Alaska.
- D. On August 26<sup>th</sup>, 2022, Kathy Yeager of BERGER BRIGGS provided a Business Transaction Form to the division. This form indicated three policies had been sold prior to initial licensure, in October 2020, generating a commission of \$2,637.
- E. On September 6<sup>th</sup>, 2022, a proposed agreement was issued to BERGER BRIGGS assessing a civil penalty in the amount of \$2,637 with \$1,318 suspended. The unsuspended penalty of \$1,318 is payable to the division.
- F. On September 6<sup>th</sup>, 2022, BERGER BRIGGS responded to the Division's request to move forward and enter into a formal agreement to pay the civil penalty of \$2,637.

II. TERMS OF AGREEMENT

- A. Between October 14<sup>th</sup>-20<sup>th</sup>, 2020, the three policies that were transacted prior to the license issuance date were in violation of AS 21.27.440 which subjects BERGER BRIGGS to civil penalties. AS 21.27.440(a) provides that "in addition to any other penalties provided by law, a person that the director of the division (director) determines under AS 21.06.170-21.06.240 has violated the provisions of this chapter is subject to (1) a civil penalty equal to the compensation

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promised, paid, or to be paid, directly or indirectly, to a person in regard to each violation; (2) either a civil penalty of not more than \$10,000 for each violation or a civil penalty of not more than \$25,000 for each violation if the director determines that the person willfully violated the provisions of this chapter; and (3) denial, nonrenewal, suspension, or revocation of a license.” The director has the latitude to impose civil penalties against a person who has violated Alaska’s insurance laws

- B. BERGER BRIGGS agrees to pay the civil penalty under AS 21.27.440 in the amount of \$2,637 for activity that occurred prior to the issuance of the firm license with \$1,318 suspended.
- C. In the event BERGER BRIGGS violates Alaska insurance laws during the next two years, the suspended portion of the penalty referenced in paragraph one will be reinstated. BERGER BRIGGS will be subject to any and all sanctions authorized by the insurance laws including imposition of additional penalties regarding any such violation.
- D. By signing this agreement, BERGER BRIGGS understands and agrees that any failure to comply with the conditions of this agreement will be grounds to revoke, suspend, or not renew Alaska firm license 3001042315.
- E. BERGER BRIGGS understands that this agreement is not binding on the parties unless and until the director signs the order approving the agreement.

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DATED: 9-13-2022

BERGER BRIGGS INSURANCE AGENCY, LLC

By: 

Gabriel Portillo

President

By: 

Ryan Brennan

Vice President

Approved as to form and content:

DATED: 9-15-2022

By: 

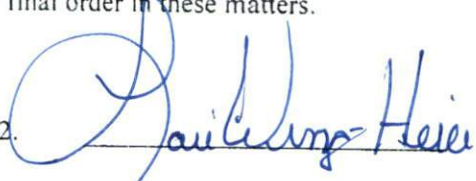
Susan Mitchell

Assistant Attorney General

ORDER

IT IS FURTHER ORDERED that this Stipulated Agreement and Order is adopted in full resolution of the civil liability issues between the parties to this agreement in these cases and shall constitute the final order in these matters.

DATED this 12<sup>th</sup> day of Oct., 2022.



Lori K. Wing-Heier

Director, Division of Insurance