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

In the Matter of:)
)
 WYATT E. GRITT)
)
 Licensee)
 _____)

Case No. D 16-12

ORDER OF REVOCATION

1. The division, under AS 21.27.040, requires an applicant for a license under AS 21.27 to submit the applicant's application on a nationally utilized form available from the National Insurance Producer Registry (NIPR). The NIPR is a non-profit affiliate of the National Association of Insurance Commissioners (NAIC) and is a public-private partnership that supports the work of the states and the NAIC in making the producer-licensing process more cost-effective, streamlined and uniform for the benefit of regulators, the insurance industry and the consumers they protect and serve.

2. Question 1A of the application form provides: "Have you ever been convicted of a misdemeanor, had a judgment withheld or deferred, or are you currently charged with committing a misdemeanor? You may exclude the following misdemeanor convictions or pending misdemeanor charges: traffic citations, driving under the influence (DUI), driving while intoxicated (DWI), driving without a license, reckless driving, or driving with a

Accusation
Wyatt E. Gritt
Case No. D 16-12

1 suspended or revoked license. You may also exclude juvenile adjudications (offenses where
2 you were adjudicated delinquent in a juvenile court)."
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4 3. On or about February 23, 2016, the division received from Gritt an application for a
5 producer license. For Question 1A of the application, Gritt answered "Yes", however, on or
6 about April 4, 2016, the division received a communication signed by Gritt in which he stated:
7 "When the application was being filled out I answered 'yes' to a question because I thought I
8 had a misdemeanor. I answered that question wrong it should have been marked 'no'.
9

10 4. As part of the application process, the division, under AS 21.27.040(e) and 3 AAC
11 23.010, requires the applicant to submit a full set of fingerprints so the division may obtain
12 criminal justice information about the applicant, as provided under AS 12.62.
13

14 5. On or about March 31, 2016, the division received Gritt's set of fingerprints and
15 forwarded them to the Alaska Department of Public Safety (DPS), under AS 12.62.160, to
16 obtain criminal justice information, if any, and to do a criminal history record check.
17

18 6. On or about April 4, 2016, the division issued Gritt producer license number
19 0100130248.
20

21 7. On or about April 27, 2016, the division received information from (DPS) indicating
22 the Federal Bureau of Investigation (FBI) conducted a national fingerprint search of Gritt and
23 the search found that on or about September 15, 2005, Gritt had been convicted of a
24 misdemeanor for disorderly conduct.
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26 Accusation
Wyatt E. Gritt
Case No. D 16-12

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8. AS 21.27.025(a) requires a licensee to notify the director in writing within 30 days after a change in residence, place of business, legal name, fictitious name or alias, mailing address, electronic mailing address, or telephone number.

9. AS 21.27.025(b) provides: "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."

10. On or about May 9, 2016, the division, utilizing Gritt's mailing address on file, sent Gritt a letter by certified mail informing Gritt:

A. the division had received the background report which revealed Gritt's disorderly conduct misdemeanor conviction;

B. the procedure for Gritt to change, correct, or update identification records or to challenge the accuracy or completeness of any entry on Gritt's record to the FBI;

C. that Gritt had answered "No" in response to question 1A on his application;

D. that 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 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."

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E. that the division was providing Gritt with the opportunity to address the information contained in the background report and to address why, if a conviction occurred, that it was not disclosed;

F. that while the division had not made any presumption of guilt, if Gritt was unable to provide the division with evidence that the information reflected in the background report was incorrect within 45 days from the date of the letter, the division would take action against Gritt's license based on the information contained in the background report; and

G. Gritt's failure to disclose a conviction on the application could reflect untrustworthiness, which could be the basis to suspend, revoke, or deny renewal of a license under AS 21.27.410.

11. On or about May 23, 2016, the division's letter identified in paragraph 10 was returned to the division by the United States Post Office (USPS) as being undeliverable.

12. Between May 23, 2016 and June 10, 2016, the division made several attempts to contact Gritt utilizing the business telephone number on file in order to obtain a personal email address to use to resend the division's letter identified in paragraph 10.

13. On or about June 10, 2016, the division emailed Gritt at his email address on file giving Gritt 45 days to respond to the division's letter identified in paragraph 10, which was an attachment to the email. Gritt failed to respond.

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2 14. On or about July 29, 2016, the division emailed Gritt at his email address on file
3 giving Gritt a seven day extension to respond to the division's letter identified in paragraph 8.
4 Gritt failed to respond.

5 15. On or about September 12, 2016, further attempts to contact Gritt utilizing the
6 business telephone number on file also were unsuccessful in reaching Gritt. On the last call, the
7 division learned Gritt no longer worked for the company.

8
9 16. On or about September 12, 2016, the division also attempted to reach Gritt utilizing
10 Gritt's personal telephone number on file and left a message for Gritt. Gritt failed to respond.

11 17. On or about October 5, 2016, the division, utilizing a residence address obtained by
12 the division's investigations section, sent Gritt another certified letter giving Gritt until October
13 21, 2016 to respond. Although the division received notification from the USPS that Gritt
14 received and signed for the certified letter, Gritt failed to respond.

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16 18. AS 21.27.410, in relevant part, provides that the director of the division of
17 insurance may revoke a license for

18
19 A. a cause for which issuance of the license or its renewal could have been
20 denied had it then existed and been known to the director;

21 B. a violation or participation in a violation of a provision of this title; and

22
23 C. the conduct of affairs under a license if the licensee exhibits conduct
24 considered by the director to reflect incompetence or untrustworthiness, or to be a source of
25 potential injury and loss to the public.

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2 19. As set out in Paragraphs 1 through 18, Gritt failed to disclose a misdemeanor
3 conviction in his application for an insurance license, which reflects untrustworthiness under
4 AS 21.27.020 and makes him unqualified for a license under AS 21.27.

5 20. Gritt's demonstrated untrustworthiness in failing to disclose a misdemeanor
6 conviction is grounds for the director to deny, nonrenew, suspend, or revoke a license under
7 AS 21.27.410.
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9 21. As set out in Paragraphs 1 through 18, Gritt failed to notify the director in writing
10 within 30 days after a change in residence, place of business, legal name, fictitious name or
11 alias, mailing address, electronic mailing address, or telephone number, as required by
12 AS 21.27.025(a).

13 22. Gritt's violation of AS 21.27.025(a) is grounds for the director to deny, nonrenew,
14 suspend, or revoke a license under AS 21.27.025(b).

15
16 IT IS ORDERED

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18 Under AS 21.27.410 and AS 21.27.025, the producer license number 0100100248
19 issued to Wyatt E. Gritt is permanently REVOKED. This order constitutes the final order in
20 this matter. Under AS 21.06.230 and Alaska Appellate Rule 602(a)(2), you may appeal this
21 final decision within 30 days. See the attached Notice of Final Order and Appeal Rights.

22 DATED February 8th, 2017.

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24 
25 _____
26 Lori Wing-Heier
Director

26 Accusation
Wyatt E. Gritt
Case No. D 16-12

**NOTICE OF FINAL ORDER
AND APPEAL RIGHTS
D 16-12**

The enclosed order signed by the Director of Insurance is the final order in this action.

Pursuant to AS 21.06.230, and Alaska Appellate Rule 602(a)(2), within 30 days you may appeal this final decision.

AS 21.06.230 states:

A person aggrieved by an order of the director may appeal the order to the superior court, using procedures provided by court rule.

Alaska Appellate Rule 602(a)(2) provides:

An appeal may be taken to the superior court from an administrative agency within 30 days from the date that the decision appealed from is mailed or otherwise distributed to the appellant. If a request for agency reconsideration is timely filed before the agency, the notice of appeal must be filed within 30 days after the date the agency's reconsideration decision is mailed or otherwise distributed to the appellant, or after the date the request for reconsideration is deemed denied under agency regulations, whichever is earlier. The 30-day period for taking an appeal does not begin to run until the agency has issued a decision that clearly states that it is a final decision and that the claimant has thirty days to appeal. An appeal that is taken from a final decision that does not include such a statement is not a premature appeal.

For other applicable rules of court, see Alaska Appellate Rules 601-611.