

STATE OF ALASKA

DEPARTMENT OF COMMERCE, COMMUNITY, AND ECONOMIC DEVELOPMENT

DIVISION OF INSURANCE

In the Matter of: )  
 )  
NINOTCHKA MARIE SNOW )  
 )  
Licensee )  
\_\_\_\_\_ )

Case No. D 18-04

**ORDER OF REVOCATION**

1. On or about January 7, 2016, the division issued Ninotchka Marie Snow (“Snow”) Alaska bail bond limited producer license number 0100127499, which expired on or about May 2, 2017 for Snow's failure to renew. On or about May 20, 2017, Snow applied to renew her license, which the division renewed on or about September 12, 2017.

2. On or about January 18, 2018, the division received a complaint from Snow’s employer, Arelia Gomez (“Gomez”), owner of Alaska Bail LLC (Alaska Bail) informing the division that Snow had signed for unexecuted Bankers Insurance Company bail bonds (bonds) on September 13, 2017, and on November 3, 2017, from Alaska Bail. Gomez told the division Snow had failed to return 35 of the bonds and failed to submit to Alaska Bail any premium associated with the execution of the bonds. Gomez also told the division that Gomez had been unable to reach or contact Snow since December 23, 2017.

3. On or about January 31, 2018, the division, utilizing Snow's residence and mailing address on file with the division, sent Snow a letter by certified mail requesting Snow, pursuant to AS 21.27.350(e), to produce the 35 unaccounted for bonds received from Alaska Bail for inspection by the division no later than February 15, 2018.

4. On or about January 31, 2018, the division, utilizing Snow's business and Alaska Bail email addresses on file with the division, sent Snow emails attaching the certified letter described in paragraph three. Snow failed to respond to the division's emails.

5. On or about February 7, 2018, Gomez provided the division with a Notice of Exonerated Corporate Bonds indicating Bankers Insurance Bond 562109397-1 (Bond One), which Snow had received from Gomez on or about September 13, 2017, had been executed for \$2,000 at the Alaska Superior Court located in Palmer, Alaska (Palmer Court) in case 3PA-17-01862 CR (Palmer Case One). Gomez informed the division that Snow failed to provide the policy's \$200 premium to Alaska Bail.

6. On or about February 8, 2018, the division obtained from the Palmer Court copies of the Bankers Insurance Bond 562109397-1 and the General Surety Appearance Bond in Palmer Case One. The Palmer Court General Surety Appearance Bond and the Notice of Exonerated Corporate Bonds indicate Bond One was executed on or about November 9, 2017 and exonerated by the Palmer Court on or about November 27, 2017.

7. On or about February 13, 2018, the division physically inspected Snow's business address on file, 331 E. 87<sup>th</sup> Avenue, Suite 208, Anchorage, Alaska, and determined Snow no longer occupied the office. The division contacted the property manager of Snow's business

address, Build LLC, who informed the division that Snow had written a \$550 non-sufficient funds rent check to Build LLC on or about August 1, 2017. Build LLC further informed the division they had filed a complaint in the Alaska Superior Court located in Anchorage, Alaska (Anchorage Court) seeking Judgment for Possession, 3 AN-17-09306 CI, (Anchorage Case One).

8. On or about October 11, 2017, the Anchorage Court in Anchorage Case One issued a Judgment for Possession ordering "Ninotchka Snow dba Grizzly Specialty, and All Other Occupants" to vacate the space by October 13, 2017. The Anchorage Case record indicates Build LLC was never able to locate Snow for service of summons in the Anchorage Case.

9. On or about February 15, 2018, the division, due to Snow's failure to respond to the division's letter or emails described in paragraphs three and four, and utilizing Snow's residence and mailing addresses on file with the division, sent Snow another certified letter again requiring Snow to produce the bonds described in paragraph two. The letter also was sent by certified mail to a Wasilla P. O. Box the division found in public records to be associated with Snow.

10. On or about February 15, 2018, the division, utilizing Snow's business and Alaska Bail email addresses on file with the division, sent Snow emails attaching the certified letter described in paragraph nine. Snow failed to respond to the division's emails.

11. On or about February 20, 2018, the United States Post Service (U.S.P.S.) returned the letter described in paragraph three to the division with a sticker attached which stated, "Return to Sender; Unclaimed; Unable to Forward."

12. On or about February 20, 2018, Gomez, who had witnessed Snow sign for the 35 bonds described in paragraph two, identified the bail agent's signature on the Bond One documents in the Palmer Case as Snow's signature.

13. On or about February 23, 2018, the division received the U.S.P.S. Domestic Return Receipt for the letter sent by the division to the Wasilla P.O. Box address described in paragraph nine signed by "Harley Harris."

14. On or about March 7, 2018, a representative of the division utilizing Snow's "business" telephone number on file with the division (907-903-7620), called Snow three separate times with no answer and received a voice mail message stating no voice mailbox had been set up.

15. On or about March 7, 2018, a representative of the division utilizing Snow's "residence" telephone number on file with the division (907-570-2325), called Snow three separate times with the first call resulting in the division getting a voice mail message indicating the telephone number belonged to a person named "Levon," the second call resulting in the division leaving a message requesting a return call if the number was still associated with Snow, and the third call resulting in Levon answering and advising the division that he did not know Snow and the telephone number was a pre-paid TracFone number Levon had obtained one month earlier.

16. On or about March 19, 2018, the U.S.P.S. returned the letter described in paragraph nine to the division with a sticker attached which stated, "Return to Sender; Unclaimed; Unable to Forward."

17. On or about April 6, 2018, the division received from the Information Technology Department (department) of the State of Alaska Court System, the results of the department's search of Alaska court files for bail bonds executed by Snow as the bail agent, which indicated that, in addition to Bond One described in paragraph five, Snow had executed three additional Banker's Insurance Company bonds as follows:

A. October 14, 2017, Bond 562109391-3 for \$1,500 (Bond Two) with a premium of \$150 at the Palmer Court in case 3PA-17-01862 CR (Palmer Case Two);

B. October 31, 2017, Bond 56109395-5 for \$2,500 (Bond Three) with a premium of \$250 at the Anchorage Court in case 3AN-17-8566 CR (Anchorage Case Two);  
and

C. November 2, 2017, Bond 562109396-8 for \$2,500 (Bond Four) with a premium of \$250 at the Palmer Court in case 3PA-13-1096 CR (Palmer Case Three).

18. On or about between April 9, 2018 and April 13, 2018, the division obtained the Bankers Insurance Company Bonds and General Surety Appearance Bonds for Anchorage Case Two and Palmer Cases Two and Three.

19. On or about April 18, 2018, Gomez informed the division that Snow failed to provide the \$650 premium for the policies described in paragraph 17 to Alaska Bail. Gomez also confirmed the bail agent signatures on Bonds Two, Three, and Four as Snow's signatures.

20. 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.

21. AS 21.27.350(e) requires a licensee to reply in writing within 10 working days to a records inquiry of the director.

22. AS 21.27.360(b) requires a licensee to receive premiums as a fiduciary and to promptly account for and pay the premiums to the person entitled to premiums.

23. AS 21.27.360(c) provides that the director of the division of insurance may revoke a license of a person that the director has determined has acted to divert or appropriate money held as a fiduciary for personal use.

24. AS 21.27.410(a)(2) provides that the director of the division of insurance may revoke a license for a violation or participation in a violation of a provision of this title.

25. AS 21.27.410(a)(4) provides that the director of the division of insurance may revoke a license for misappropriation, conversion to personal use, or illegally withholding money required to be held in a fiduciary capacity by a licensee or applicant.

26. AS 21.27.410(a)(8) provides that the director of the division of insurance may revoke a license for the conduct of affairs under a license if the licensee exhibits conduct considered by the director to reflect incompetence or untrustworthiness, or to be a source of potential injury and loss to the public.

27. AS 21.27.440(a)(3) provides that in addition to any other penalty provided by law, a person that the director determines under AS 21.06.170 – 21.06.240 has violated the provisions of this chapter is subject to ... (3) denial, nonrenewal, suspension, or revocation of a license.

28. AS 21.36.360(a) provides that a person may not commit a fraudulent or criminal insurance act involving an insurance transaction that is subject to the provisions of this title.

29. AS 21.36.360(b)(5) provides that a fraudulent insurance act is committed by a person who, with intent to injure, defraud, or deceive... (5) fails to make disposition of funds received or misappropriates funds received or held representing premiums or return premiums.

#### COUNT I

30. Paragraphs 1 through 29 are realleged as if fully set forth here.

31. As set out in Paragraphs 1 through 29, Snow failed 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, as required by AS 21.27.025(a).

32. Snow's violation of AS 21.27.025(a) reflects conduct considered by the director to reflect incompetence and untrustworthiness.

33. Snow's violation of AS 21.27.025(a) is grounds for the director to deny, nonrenew, suspend, or revoke a license under AS 21.27.025(b), 21.27.410(a)(2) and (8), and 21.27.440.

## COUNT II

34. Paragraphs 1 through 29 are realleged as if fully set forth here.

35. As set out in Paragraphs 1 through 29, Snow failed to reply in writing within 10 working days to a records inquiry of the director concerning the 35 bonds as required by AS 21.27.350(e).

36. Snow's violation of AS 21.27.350(e) reflects conduct considered by the director to reflect incompetence and untrustworthiness.

37. Snow's violation of AS 21.27.350(e) is grounds for the director to deny, nonrenew, suspend, or revoke a license under AS 21.27.410(a)(2) and (8), and 21.27.440.

## COUNT III

38. Paragraphs 1 through 29 are realleged as if fully set forth here.

39. As set out in Paragraphs 1 through 29, Snow failed to return premiums to Alaska Bail in violation of AS 21.27.360(b).

40. Snow's violation of AS 21.27.360(b) reflects conduct considered by the director to reflect incompetence and untrustworthiness.

41. Snow's violation of AS 21.27.360(b) are grounds for the director to deny, nonrenew, suspend, or revoke a license under AS 21.27.410(a)(2), (4), and (8), and AS 21.27.440.

COUNT IV

42. Paragraphs 1 through 29 are realleged as if fully set forth here.

43. As set out in Paragraphs 1 through 29, Snow acted to divert or appropriate money held as a fiduciary for personal use in violation of AS 21.27.360(c).

44. Snow's violation of AS 21.27.360(c) reflects conduct considered by the director to reflect incompetence and untrustworthiness.

45. Snow's violation of AS 21.27.360(c) are grounds for the director to deny, nonrenew, suspend, or revoke a license under AS 21.27.410(a)(2), (4), and (8), and AS 21.27.440.

COUNT V

46. Paragraphs 1 through 29 are realleged as if fully set forth here.

47. As set out in Paragraphs 1 through 29, Snow failed to return premiums to Alaska Bail in violation of AS 21.36.360(a) and (b)(5).

48. Snow's violation of AS 21.36.360(a) and (b)(5) reflects conduct considered by the director to reflect incompetence and untrustworthiness.

49. Snow's violation of AS 21.36.360(a) and (b)(5) are grounds for the director to deny, nonrenew, suspend, or revoke a license under AS 21.27.410(a)(2), (4), and (8), and AS 21.27.440.

IT IS ORDERED

Under AS 21.27.410 and AS 21.27.025, the producer license number 0100127499 issued to Ninotchka Marie Snow is REVOKED. This order constitutes the final order in this matter.

DATED August 21<sup>st</sup>, 2018.



Lori Wing-Heier  
Director