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

CEASE AND DESIST ORDER D96-11

TO: Dean Pierce
Regional Accounts Manager
Native American Insurance Company
P.O. Box 100759
Anchorage, AK 99510

The Division of Insurance has determined that you have been engaged in transacting a business of insurance in Alaska, or relative to a subject resident, located or to be performed in Alaska without legal authority in violation of state law. AS 21.03.010(a) states

All persons transacting a business of insurance in this state, or relative to a subject resident, located or to be performed in this state, shall comply with the applicable provisions of this title.

The transaction of a business of insurance in Alaska is defined in AS 21.90.900(39), which states:

"transact" with respect to insurance includes:

- (A) solicitation and inducement;
- (B) preliminary negotiations;
- (C) effectuation of a contract of insurance;
- (D) transaction of matters subsequent to effectuation of the contract of insurance and arising out of it.

In order to transact insurance in Alaska, a person must hold the appropriate license. This is required by AS 21.27.010(a), which states:

Except as provided otherwise in this chapter, a person may not act as or represent to be an insurance producer, managing general agent, reinsurance intermediary broker, reinsurance intermediary manager, surplus lines broker, or independent adjuster in this state or relative to a subject resident, located, or to be performed in this state unless licensed under this chapter. A person may not act as or represent to be a managing general agent, reinsurance intermediary broker, or reinsurance intermediary manager representing an insurer domiciled in this state regarding a risk located outside this state unless licensed by this state.

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A person transacting insurance without a license and/or acting on behalf of a nonadmitted insurer is subject to the following penalties.

AS 21.27.440(a) states in part:

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 . . .

(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 wilfully violated the provisions of this chapter

AS 21.33.065 states:


(a) A person other than an insured, who in this state represents or aids a nonadmitted insurer in violation of AS 21.33.037, is subject to a civil penalty of not more than \$50,000 in addition to applicable criminal penalties and other penalties prescribed in this title.

(b) In addition to any other penalty provided, a person who violates a provision of this chapter is subject to a civil penalty of not more than \$10,000 for the first offense and not more than \$100,000 for each succeeding violation.

Since you do not hold the appropriate license and have been transacting the business of insurance in this state, you are hereby ordered to cease and desist from further violation of Alaska law. Continued transaction of insurance in Alaska will be considered a gross and willful violation and will be subject to appropriate administrative action, as well as possible criminal remedies.

This order is effective immediately.

Dated at Anchorage, Alaska this 22nd day of August, 1996.



Marianne K. Burke

Director
Division of Insurance