

STATE OF ALASKA

DEPARTMENT OF COMMERCE & ECONOMIC DEVELOPMENT

DIVISION OF INSURANCE

In re: )  
 )  
 APPLICATION FOR LICENSE )  
 OF TIMOTHY S. VOGUS )  
 505 West Northern Lights Blvd., Ste. 216 )  
 Anchorage, AK 99503. )  
 \_\_\_\_\_ )

Case No. LD96-05

STATEMENT OF ISSUES

Marianne K. Burke, Director, Division of Insurance (division),  
Department of Commerce and Economic Development, State of Alaska, states:

1. On or about April 8, 1996, the division received an application for  
a trainee insurance producer license from Timothy S. Vogus (Vogus).

2. Section 10(e) of the application asks "Have you ever been  
convicted of a misdemeanor or felony in this or any other state or country, or  
pleaded no contest or nono (sic) contendere to any indictment or cmlplaint (sic) for  
a crime or offense, or received a suspended imposition of sentence and/or been  
placed on probation?" At the end of this section is the following sentence: "If  
you have answered "yes" to any of these questions, you must submit a notarized  
statement detailing: 1. date of occurrence 2. the name and address of the court;  
and 3. the circumstances." Vogus responded "yes" to question 10(e) and attached  
to the application a notarized statement, dated April 2, 1996. (Exhibit A  
attached.) The statement listed an offense of misuse of a controlled substance.

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1 Vogus went on to state: "I recieved (sic) a suspended imposition of sentence, and  
2 was fully exonerated by the state."

3 3. In signing the license application, Vogus certified "under penalty  
4 of perjury that I have read the foregoing application and know the contents  
5 thereof and that each statement therein made is full, true and correct."

6 4. In conducting a routine investigation, one of the division's  
7 investigators found the following information:  
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9 a. On July 6, 1987, an order suspending imposition of  
10 sentence and providing for probation was entered regarding Vogus's conviction on  
11 two counts of misconduct involving a controlled substance in the third degree,  
12 AS 11.71.030(a)(1). This order placed Vogus on probation for two years and  
13 required 85 hours of community work service, drug counseling, and payment of  
14 restitution.  
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16 b. On April 29, 1988, an order to modify or revoke probation  
17 was entered because he violated the conditions of his probation. Under this  
18 order, Vogus's probation was extended to five years, his community work service  
19 was increased to 250 hours, and Vogus was required to participate in alcohol and  
20 drug consumption monitoring and to serve 90 days in jail, with credit for good  
21 time.  
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23 c. On December 11, 1990, a judgment and order of  
24 commitment/probation was issued that revoked the previously imposed  
25 suspended imposition of sentence because Vogus continued to violate conditions  
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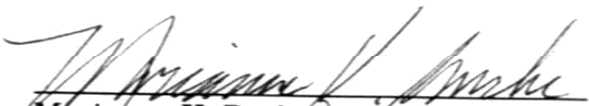
1 of his probation. Vogus was sentenced to serve two years in jail, with one  
2 suspended, for each of the original two counts, with the sentences running  
3 concurrently.

4 5. The division's investigator found no evidence in the record that  
5 Vogus had been fully exonerated by the state, and Vogus did not provide the  
6 division with any proof of such exoneration.

7 6. Vogus's felony conviction is grounds to deny issuance of a license  
8 under AS 21.27.410(a)(7). His repeated failure to comply with the terms of his  
9 probation that resulted in the revocation of his suspended imposition of sentence  
10 demonstrates untrustworthiness that further warrants denial of a license under  
11 AS 21.27.020(a).

12 7. Pursuant to AS 21.27.020(a), 21.27.020(b)(4) and (6), and  
13 21.27.410(a)(7), the application of Timothy S. Vogus for a trainee insurance  
14 producer license is hereby DENIED.

15 DATED this 27th day of June, 1996.

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21 Marianne K. Burke  
22 Director  
23 Division of Insurance

24 SOITSV.PBK