BEFORE THE INSURANCE COMMISSIONER
OF THE STATE OF WEST VIRGINIA

In Re: Serena Gene Daly,
Respondent.

FINAL ORDER 12-AP-PRLC-02030

The undersigned, Insurance Commissioner of the State of West Virginia, does hereby adopt and approve the Recommended Decision of the Hearing Examiner, appended hereto, as well as the findings of fact and conclusions of law therein contained. It is consequently ORDERED that Serena Gene Daly be, and she is hereby, found guilty of one violation of § 33-12-24(b)(2) of the West Virginia Code and that her West Virginia non-resident producer license be, and the same is hereby, revoked. It is further ORDERED that said Respondent pay a civil penalty to the State of West Virginia in the amount of $200.00 and that she pay the taxable costs of this proceeding.

The objections of any party aggrieved by this Order and to the Recommended Decision herein adopted are preserved.

Entered this 22 day of February, 2013:

Michael D. Riley
Insurance Commissioner of
the State of West Virginia

BEFORE THE INSURANCE COMMISSIONER
OF THE STATE OF WEST VIRGINIA

In Re: Serena Gene Daly,
Respondent.

12-AP-PRLC-02030

RECOMMENDED DECISION
OF HEARING EXAMINER

This administrative complaint came on for hearing on January 14, 2013, at the offices the Insurance Commissioner, there then being present Larry J. Conrad, Esquire, appearing on behalf of the Insurance Commissioner. No appearance was made by or behalf of the Respondent, Serena Gene Daly.

Statement of the Case

This administrative complaint seeks the revocation of or the imposition of other sanctions against Respondent's active non-resident producer license upon the grounds of her not being currently licensed in good standing in the jurisdiction of her residence as required by W. Va. Code §33-12-12(a)(1) and thereby being in violation of § 33-12-24 of such Code.

Findings of Fact

The following are made as findings of fact:

1. The Respondent, Serena Gene Daly, is the holder of an active non-resident individual producer license, number 2664673. (T., p. 7;Exs. 3-4)

2. The respondent resides in the State of California and previously held an active resident producer license from that jurisdiction. (T., pp. 8-9;Ex. 4)

3. On September 30, 2011, Respondent's California resident license expired. (T., p. 10;Ex. 4)

Conclusions of Law

The following are made as conclusions of law:

1. Under the provisions of W. Va. Code § 33-12-12(a)(1) a person may qualify for a non-resident producer license only if that person maintains in good standing a license in the person's home State. Respondent has violated this provision by permitting her California resident license to expire. Consequently, the Commissioner is authorized to revoke or impose other sanctions against Respondent's West Virginia license under the provisions of § 33-12-24(b)(2) and (e) of such Code.

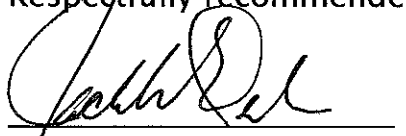
2. Under the provisions of W. Va. Code §33-2-13 the Commissioner is authorized to impose hearing costs for attendance of witnesses, service of subpoenas and the stenographic record and transcript against any person

against whom the Commissioner finds as a result of such hearing.

Recommendation

It is recommended that Respondent be found guilty of one violation of § 33-12-24(b)(2) of the W. Va. Code and that Respondent's West Virginia non-resident producer's license be revoked; that Respondent be required to pay a civil penalty to the State of West Virginia in the amount of $200.00; and that Respondent be required to pay the taxable costs of this proceeding.

Respectfully recommended,



Jack W. DeBolt
Hearing Examiner

Date: February 13, 2013