

BEFORE THE INSURANCE COMMISSIONER  
OF THE STATE OF WEST VIRGINIA

In Re: Maria Garcia-Contreras,  
Respondent.

FINAL ORDER 12-AP-PRLC-02023

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 Maria Garcia-Contreras be, and she is hereby, found guilty of one violation of § 33-12-24(b)(1) of the W. Va. Code and one violation of § 33-12-24(b)(3) of such Code and that her 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 \$500.00 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:

  
Insurance Commissioner of  
the State of West Virginia

BEFORE THE INSURANCE COMMISSIONER  
OF THE STATE OF WEST VIRGINIA

In Re: Maria Garcia-Contreras,  
Respondent.

12-AP-PRLC-02023

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, Maria Garcia-Contreras.

Statement of the Case

This administrative complaint seeks the revocation of or the imposition of other sanctions against Respondent's active resident producer license upon the grounds of her not being a resident of West Virginia as required by § 33-12-6a of the W. Va. Code; having provided incorrect, misleading or materially untrue information on her application for license regarding her State of residence in violation of §33-12-24(b)(1) of said Code; and for having obtained her license through misrepresentation or fraud as a result of her residence misrepresentations in violation of §33-12-24(b)(3) of said Code.

### Findings of Fact

The following are made as findings of fact:

1. The Respondent, Maria Garcia-Contreras, is the holder of an active resident individual producer license, number 16336914. (T., p. 9)
2. Upon her application for license Respondent listed an address in Martinsburg, West Virginia, as her residence address. In fact she was at the time not a resident at the address listed nor of West Virginia. She has never resided at the address given nor, it would appear, in the State of West Virginia. It appears that she actually resides in Maryland. The listing of her address on the application is found to be materially untrue. Because this action on her part had to have been intentional it is further found that she obtained her license through fraud and misrepresentation. (T., pp. 8, 15, 19; Exs. 3-4)

### Conclusions of Law

The following are made as conclusions of law:

1. Under the provisions of W. Va. Code § 33-12-6a a person may qualify for a resident producer license only if that person actually resides in West Virginia.
2. Under the provisions of W. Va. Code § 33-12-24(b)(1) and (e) the Insurance Commissioner is empowered to revoke, suspend or impose other disciplinary sanctions against the license of a producer who shall have provided incorrect or materially untrue information in the license application. By

providing a false address in her application, Respondent has violated this section and is thereby subject to having her license revoked, having imposed some lesser sanction or a combination of sanctions. Because being a resident of this State is a condition to holding a resident license, it is further concluded that revocation of such license is an appropriate and unavoidable sanction.

3. Under the provisions of W. Va Code § 33-12-24(b)(3) and (e) the Commissioner is empowered to revoke, impose other sanctions or impose a combination of sanctions against the license of any person who obtains a license through misrepresentation or fraud. Respondent has violated this section and is thereby subject to having her license revoked or subjected to other sanctions.

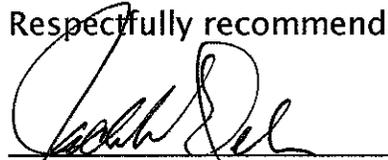
4. Under the provisions of W. Va. Code § 33-2-13 the Commissioner is authorized to impose hearing costs for attendance of witnesses, service of subpoenas and stenographic record and transcript against any person against whom the Commissioner finds.

#### Recommendation

It is recommended that Respondent be found guilty of a violation of § 33-12-24(b)(1) and of a violation § 33-12-24(b)(3) of the W. Va. Code; that Respondent's West Virginia 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 \$500.00; and that Respondent be required to pay the taxable costs

of this proceeding.

Respectfully recommended,

A handwritten signature in black ink, appearing to read "Jack W. DeBolt", written over a horizontal line.

Jack W. DeBolt  
Hearing Examiner

Date: February 12, 2013