

BEFORE JAMES A. DODRILL, INSURANCE COMMISSIONER
OF THE STATE OF WEST VIRGINIA

In the Matter of:

ASHLEY WITT

Administrative Proceeding No. 20-I-PRLC-02015

**ORDER DENYING APPLICATION FOR PRODUCER LICENSE
& IMPOSING PENALTY**

FINDINGS OF FACT

1. Ashley Witt previously applied for her insurance producer license in the State of West Virginia.
2. On or about January 17, 2020, Ms. Witt took the West Virginia Accident and Health or Sickness Producer license exam at the Pearson VUE test center in Charleston, West Virginia.
3. The Pearson VUE code associated with this particular exam is 201151, which confirms it was administered in Kanawha County, West Virginia. The Pearson VUE Identification number assigned to Ms. Witt was WVINS113890. This exam was a two (2) part exam consisting of Part I, General, and Part II, State.
4. According to Pearson VUE testing official, Amy Possey, Ms. Witt passed the State portion of the exam but failed the General portion of the exam with a score of 68 (a minimum score of 70 is needed to pass the General portion).
5. Ms. Witt thereafter submitted an altered test score document to her potential employer, Banker's Life Insurance, which indicated that she had passed the exam.
6. On January 29, 2020, an email sent to the Commissioner's Director of Licensing and Education, Robert Grishaber, from the Banker's Life Insurance Company Recruiting

Coordinator, Erica Bradley, contained information indicating that Ms. Witt had submitted forged documents to Banker's Life, the exam results, showing she had passed both portions of the exam.

7. Director Grishaber discovered that Ms. Witt had submitted a document indicating a test score of 70. However, the document also stated that Ms. Witt had failed the exam, which obviously conflicted with the exam score listed on the same document.

8. Mr. Grishaber thereafter retrieved the original exam test result page from Pearson VUE which revealed that Ms. Witt had not received a passing score on the exam, but had, in fact, received a failing score of 68 on the General Part I portion and a passing score of 70 on the State Part II portion, thus an overall failure of the exam, and it further appeared that the document she had submitted to Banker's Life had been altered.

9. On March 3, 2020, investigators from the Commissioner's Special Investigations Division interviewed Ashley Witt at her residence. During this interview, Ms. Witt admitted that she altered the score section on the document to depict a passing score of 70 on the General Part I before she submitted it to Banker's Life via text message in an attempt to deceive her potential employer.

CONCLUSIONS OF LAW

1. James A. Dodrill is the Insurance Commissioner of the State of West Virginia ("Insurance Commissioner" or "Commissioner" herein), is charged with enforcing the provisions of Chapter 33 of the *West Virginia Code*, as amended, and has statutory regulatory authority over the licensing of insurance producers in the State of West Virginia pursuant to Article 12, Chapter 33 of the *West Virginia Code*, as amended.

2. Pursuant to *W.Va. Code* §§ 33-12-5 and 33-12-6 an applicant, such as Ms. Witt, must pass an examination and satisfy the Commissioner that she is trustworthy. Ms. Witt failed

her exam and subsequently submitted an altered fraudulent document to Bankers Life, falsely indicating she had passed her exam. Ms. Witt's actions have demonstrated to the Commissioner that she is not trustworthy.

3. Ms. Witt's admitted conduct of altering her examination record constitutes a violation of *W.Va. Code* § 61-4-5, which provides:

(a) If any person forge any writing, other than such as is mentioned in the first and third sections of this article, to the prejudice of another's right, or utter or attempt to employ as true such forged writing, knowing it to be forged, he shall be guilty of a felony and, upon conviction, shall be confined in the penitentiary not less than one nor more than ten years, or, in the discretion of the court, be confined in jail not more than one year and be fined not exceeding five hundred dollars.

Ms. Witt's conduct also constitutes a violation of *W.Va. Code* § 33-12-24(b)(9), which provides:

(9) Using fraudulent, coercive, or dishonest practices, or demonstrating incompetence, untrustworthiness or financial irresponsibility in the conduct of business in this state or elsewhere.


4. The aforementioned felonious, fraudulent, dishonest, untrustworthy and irresponsible conduct of Ms. Witt causes the Commissioner immense concern for the potential harm that could be done to unwitting West Virginia consumers, businesses, and/or domestic or foreign insurers if Ms. Witt were to be granted the sought-after producer license and, therefore, the Commissioner concludes that granting a producer license to Ms. Witt would not be in the best interests of the public.

ORDER

It is, therefore, **ORDERED** as follows:

1. The producer license application of Ashley Witt is **DENIED**.
2. Ashley Witt is prohibited from reapplying for a producer license and/or taking the West Virginia Accident and Health or Sickness Producer Exam for a period of five (5) years from the date this Order is entered.

ENTERED this the 5th day of November, 2020.



JAMES A. DODRILL
Insurance Commissioner