

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

In the Matter of:

BETSY JO VANDYNE

ADMINISTRATIVE PROCEEDING NO. 21-IC-02117

ORDER GRANTING CONSENT PURSUANT TO 18 U.S.C. §1033(e)(2)

This matter came before the Insurance Commissioner on Betsy Jo VanDyne's (hereinafter, "Respondent") *Short Form Application For Written Consent To Engage In The Business Of Insurance Pursuant To 18 U.S.C. § 1033 And 1034.*

The §1033 Advisory Committee met on June 1, 2021 and considered the application. Respondent participated in the meeting by Zoom. Title 18 U.S. Code §1033, in relevant part, prohibits a person from being authorized to participate in the business of insurance if he or she has been convicted of a felony that involves dishonesty or breach of trust. The statute further allows a person who has been convicted of a criminal felony involving dishonesty or a breach of trust to participate in the business of insurance if that person has the written consent of his or her home state regulatory official.

The Respondent provided information which showed that, in 1999 she pleaded guilty to one felony count of bank embezzlement in violation of 18 U.S.C. §656, which is a crime involving dishonesty or a breach of trust, in the United States District Court for the Northern District of West Virginia. She served 30 days in prison followed by a three-year period of supervised release with a condition being that she was placed on home detention, with electronic monitoring, for the first

three months of supervised release. Respondent also paid restitution in the amount of \$18,332.75.

18 U.S.C. §1033 was enacted as part of the *Violent Crime Control and Law Enforcement Act of 1994*. The statute does not have a provision that expressly establishes a standard of review for insurance regulatory officials to apply when considering applications for consent to engage in the business of insurance. Accordingly, state insurance commissioners, acting through the National Association of Insurance Commissioners (NAIC), adopted the *Guidelines for State Insurance Regulators to the Violent Crime Control and Law Enforcement Act of 1994*. The NAIC guidelines state that the following should be considered on a review of the merits (parentheticals added):

1. (Whether or not) the applicant has been fully rehabilitated and no longer poses a risk or threat to insurance consumers or the insurer; and
2. (Whether or not) the issuance of written consent to the applicant is consistent with the public interest, Federal and State law, and any applicable court orders.

A significant period of years has passed since Respondent's conviction and subsequent sentence, during which she has not been charged with or convicted of any further criminal activity. Respondent has held gainful employment during this time and appears to have been rehabilitated. Respondent has been offered a job at Highmark as an Associate Customer Service Representative. Considering the totality of these circumstances, and the recommendation of the §1033 Committee, the Commissioner finds that Respondent has satisfactorily demonstrated that she is entitled to this written consent to participate in the business of insurance.

The granting of this consent is conditioned upon the truth and veracity of the documents and information submitted by or on behalf of the Respondent. In the event it is later determined that the Respondent has made materially false or misleading statements or has failed to disclose material information, the consent and this Order shall be void. Further, the providing of false

information in support of a request for written consent under 18 U.S.C. §1033 may constitute a separate violation of the federal statute and West Virginia insurance laws, or other applicable law. Respondent shall immediately notify the Commissioner if she is charged with additional crimes subsequent to receiving this Order granting written consent.

Pursuant to Title 18 U.S.C. §1033, (e)(2) and W.Va. Code R. §114-2-7.1, **Betsy Jo VanDyne**, 403 Dodd Street, Lot 2, Middlebourne, WV 26149 is hereby **GRANTED** consent to engage in the business of insurance.

The objections of any party aggrieved by this Order are preserved.

ENTERED this 7th day of July, 2021.



JAMES A. DODRILL
Insurance Commissioner