

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

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In the Matter of:

CHARLOTTE ANN GANNON (NPN #16965604)

OFFICE WEST VIRGINIA
SECRETARY OF STATE

Administrative Proceeding No. 20-IC-02003

FINDINGS OF FACT, CONCLUSIONS OF LAW & CONSENT ORDER

James A. Dodrill is the Insurance Commissioner of the State of West Virginia (hereinafter, "Commissioner") and is charged with enforcing the provisions of Chapter 33 of the West Virginia Code, as amended. Charlotte Ann Gannon (hereinafter, "Licensee") was licensed to transact the business of lines insurance in the State of West Virginia, pursuant to *W.Va. Code* §§ 33-12-1 through 38, under an individual producer license issued by the Insurance Commissioner. Licensee is subject to licensing under Article 12, Chapter 33 of the West Virginia Code, as amended, related legislative rules and the authority of the Commissioner, as a resident producer licensee.

This cause came on for consideration upon the agreement by Licensee with the Commissioner concerning Licensee's request for a §1033 Waiver in accordance with Title 18 *U. S. Code* §§ 1033 and 1034 and *W.Va. CSR* § 114-2-7.

Pursuant to the provisions of negotiations, the parties to the above-referenced action have reached accord, have settled the matters of this action, and desire an Order to be entered accordingly. Licensee understands and agrees that by consenting to this Order she waives any and all rights to an administrative hearing and to judicial review on this matter.

The Commissioner believes the entry of this Consent Order is appropriate and in the public interest.

FINDING OF FACTS

1. Licensee has been licensed in this state as a resident individual insurance producer, (NPN #16965604) since 2013.
2. On Licensee's original producer license application in 2013, Licensee stated she had no prior felony or misdemeanor convictions. Licensee repeated this statement on her 2015, 2017, and 2019 renewal applications.
3. Licensee applied for an additional line of authority in 2020, and Licensee again indicated she had no felony or misdemeanor convictions.
4. The criminal history background check performed for the 2020 application for an additional line of authority showed the Licensee in fact had a prior felony conviction under the provisions of Title 18 *U. S. Code* §§ 1033 and 1034.
5. In accordance with Title 18 *U. S. Code* §§ 1033 and 1034, and *W.Va. CSR* §114-2-7 Gannon requested a §1033 Waiver.
6. Gannon's waiver request advised that she had been convicted of a felony involving dishonesty or breach of trust.
7. Licensee at this time agreed to the suspension of her license (NPN #16965604) pending a §1033 Waiver Hearing.
8. Consequently, a §1033 Advisory Committee meeting was held on January 21, 2021, with Licensee participating by teleconference.

CONCLUSIONS OF LAW

1. The Insurance Commissioner has jurisdiction over the subject matter and the parties to this proceeding.
2. This proceeding is pursuant to and in accordance with *W.Va. Code* §§33-12-1 through 38, *W.Va. CSR* § 114-2-7.

3. The Insurance Commissioner is charged with the responsibility of verifying continued compliance with the West Virginia Code, as amended, and the West Virginia Code of State Rules by Licensee as well as all other provisions of the law to which Licensee is subject by virtue of his/her License to operate in the State of West Virginia.

4. Under *W.Va. Code* §33-12-24(b), the Insurance Commissioner may place on probation, suspend, revoke or refuse to issue or renew an insurance producer's license, or may levy a civil penalty or any combination of actions, for having been convicted of or pleaded nolo contendere to any felony.

5. Licensee violated *W.Va. Code* §§33-12-24(b)(8) and (9) by having a felony conviction and failing to disclose the felony in her original application and subsequent renewals and application.

6. Any Conclusion of Law that is more properly a Finding of Fact is hereby incorporated as such. Licensee desires for her West Virginia producer license to be reinstated.

ORDER

It is accordingly **ORDERED** as follows:

1. Licensee shall ensure her full compliance with West Virginia law.
2. Licensee shall pay an administrative penalty to the State of West Virginia in the amount of One Thousand Five Hundred Dollars (\$1,500.00) for her non-compliance with West Virginia law as described herein. The payment of this administrative penalty is in lieu of any other regulatory penalty or remedy and shall be paid immediately upon execution of this Consent Order.
3. Licensee's resident individual producer license (NPN #16965604) will be reinstated for the transaction of insurance in West Virginia upon payment of the aforesaid penalty.
4. The Licensee's license will be placed on unsupervised probation for a period of three years commencing upon entry of this Order.

5. The Commissioner will issue a 1033 Waiver to the Licensee authorizing her to engage in the business of insurance in the State of West Virginia upon payment of the aforesaid penalty.

6. All such statutory notices, administrative hearings and appellate rights are herein waived concerning this Consent Order. All such rights are preserved by the Parties regarding implementation or further action taken on such Order by the Commissioner against Licensee.


7. Upon the failure of Licensee to pay the penalty as set forth in this Consent Order, the Commissioner may take other appropriate action against Licensee pursuant to *W.Va. Code* §33-12-24 or other available provisions.

ENTERED this 23rd day of July 2021.



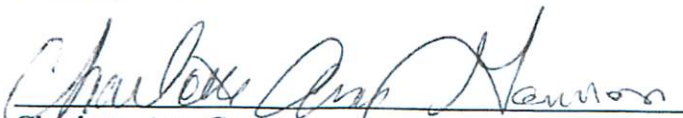
JAMES A. DODRILL
Insurance Commissioner

Prepared by:



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Consented to:



Charlotte Ann Gannon
West Virginia Producer License Number 16965604