

DEPARTMENT OF INSURANCE

STATE OF WYOMING

WYOMING INSURANCE DEPARTMENT,)
)
 Petitioner,)
)
 vs.)
)
 MARY JANINE DONALDSON)
 5320 Atlas Loop, Unit A)
 Cheyenne, Wyoming 82001)
)
 Respondent.)

Docket No. 09-10

PETITION FOR NOTICE AND ORDER TO SHOW CAUSE

COMES NOW the Wyoming Department of Insurance, acting by and through James S. Mitchell, Staff Attorney, and pursuant to Wyo. Stat. §§ 26-1-103, 26-2-109 and 26-2-111, and Chapter 32 § 4 of the Wyoming Insurance Department Regulations and Rules for Practice and Procedure Before the Department; and the Wyoming Administrative Procedure Act, Wyo. Stat. § 16-3-101 et seq., herewith moves the Wyoming Insurance Commissioner for the issuance of a Notice and Order to Show Cause directed to Mary Janine Donaldson. As cause for this Petition, the Wyoming Insurance Department states and alleges as follows:

GENERAL ALLEGATIONS

1. The Wyoming Insurance Commissioner has jurisdiction over this matter pursuant to Wyo. Stat. §§ 26-1-103, 26-1-108, and 26-9-211.
2. Respondent is licensed in the State of Wyoming as a resident producer holding license No. 81908 issued on March 30, 2005, with a renewal date of August 31, 2009. Respondent's individual identification number is 68722 and her National Producer identification number is 8431486.
3. The notice required by Wyo. Stat. § 16-3-113(c) was mailed to Respondent on May 14, 2009.
4. The business records of the Department of Insurance show Respondent is currently affiliated with the following insurers: Baltimore Life Insurance Company; Coventry Health and Life Insurance Company; First Health Life and Health Insurance Company; Mutual of Omaha Insurance Company; OM Financial Life Insurance Company; Pennsylvania Life Insurance Company; Time Insurance Company; United World Life Insurance Company; United of Omaha Life Insurance Company; and UnitedHealthcare Insurance Company.

COUNT I

5. On or about November 8, 2007, Respondent, acting as a licensed producer, met with Mr. and Mrs. Stephen Keyt, at their home located at 7615 East Pershing, Cheyenne, Laramie County, Wyoming for the purpose of the Keyt's purchasing Medicare Supplement policies.

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 WYOMING INSURANCE DEPARTMENT
 DATE *May 21 2009*
 BY *Dee Anna Mitchell*

6. During said visit Mr. and Mrs. Keyt filled out applications and issued initial premium checks for Medicare Supplement insurance policies to be issued by Mutual of Omaha.

7. Respondent failed to forward the applications for insurance or the premium checks to Mutual of Omaha for issuance of the insurance.

8. Respondent's failure to account for and pay the funds to the insurer is a violation of Wyo. Stat. § 26-9-229(a).

9. Respondent improperly withheld money received in the course of doing insurance business also in violation of Wyo. Stat. § 26-9-229(a).

COUNT II

10. On or about November 8, 2007, Respondent, acting as a licensed producer, met with Mr. and Mrs. Stephen Keyt, at their home located at 7615 East Pershing, Cheyenne, Laramie County, Wyoming for the purpose of the Keyt's purchasing Medicare Supplement policies.

11. During said visit Respondent negotiated a business loan from the Keyt's in the sum of \$7,500 and executed a promissory note payable December 1st, 2007. A copy of said note is attached hereto as Exhibit "A." Respondent has failed to make payment of said note according to the terms thereof.

12. Respondent's negotiation of a business loan with an insurance contact and failure to repay said note demonstrate incompetence, untrustworthiness and financial irresponsibility in the conduct of business in this state in violation of Wyo. Stat. § 26-9-211(a)(viii).

COUNT III

13. Respondent's business and mailing address is registered with the Wyoming Insurance Department as 5320 Atlas Loop Unit A, Cheyenne, WY 82001.

14. The Wyoming Insurance Department has sent certified mail to Respondent at her last known address and said mail has been returned labeled, "Moved left no address unable to forward." The first such certified mail was mailed on July 10, 2008, more than thirty days prior to the filing of this petition.

15. Respondent is in violation of Wyo. Stat. § 26-9-207(f) which requires a licensee to inform the commissioner of a change of address within thirty (30) days of the change.

COUNT IV

16. Petitioner restates and hereby incorporates paragraphs 12 and 13 above regarding Respondent having moved leaving no forwarding address.

17. As a resident insurance producer Respondent is required by Wyo. Stat. § 26-9-228 to maintain in this state a place of business accessible to the public and in which the licensee principally conducts transactions under her license.

18. Respondent no longer maintains a place of business in this state accessible to the public in which she principally conducts the business of insurance and further no longer maintains a place of business conspicuously displaying her producer license in violation of Wyo. Stat. § 26-9-228.

WHEREFORE the Department of Insurance respectfully prays the Wyoming Insurance Commissioner to:

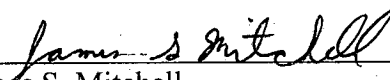
A. Order the Respondent to cease and desist from acting as an insurance producer or agent in the State of Wyoming;

B. Revoke the resident producer license of Respondent pursuant to the authority granted under Wyo. Stat. § 26-9-211 for violating the insurance laws of the state of Wyoming as set forth in Counts I through IV above;

C. To impose a civil penalty in the amount of \$500.00 for each separate violation of the Insurance Code of the State of Wyoming pursuant to Wyo. Stat. § 26-1-107;

D. To enter such other and further relief as may be permitted by law.

Dated this 21 day of May, 2009.



James S. Mitchell
Staff Attorney
Wyoming Department of Insurance
106 East 6th Avenue
Cheyenne, Wyoming 82002
(307) 777-6889

Business loan

On Dec 1st, 2007 payable \$1000 w/ a
CASHIERS CHECK AND \$9000 CASH MONIES.

I MARY DONALDSON WILL PAY THIS ON THIS
date.

Witness. on November 8, 2007

Mary Donaldson

MARY DONALDSON

Witnessed by Stephen R. Keyt
Donna K. Keyt

Mary Donaldson

307-256-7136

5320 Atlas loop a

Cheyenne WY 82001

Barbara Donaldson

7383 paxton ave

Canton Oh 44721

330-492-1534

Jim's boss

Col Sheldon

307-773-3921

Exhibit "A"