

DEPARTMENT OF INSURANCE

STATE OF WYOMING

WYOMING INSURANCE DEPARTMENT, )  
 )  
 Petitioner, )  
 )  
 vs. )  
 )  
 MATILDA HERNANDEZ, )  
 )  
 Respondent. )

Docket No. 11-09

PETITION FOR NOTICE AND ORDER TO SHOW CAUSE

COMES NOW the Wyoming Department of Insurance, acting by and through Stephanie Bryant McGee, Deputy Commissioner, 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 Matilda Hernandez, whose last reported address was 311 33<sup>rd</sup> Avenue, Greeley, CO 80631. As cause for this Petition, the Wyoming Insurance Department states and alleges as follows:

1. The Wyoming Insurance Commissioner has jurisdiction over this matter pursuant to Wyo. Stat. §§ 26-1-103, 26-2-109, 26-9-211, and 26-9-219.
2. On or about May 2, 2011, Matilda Hernandez' Check No. 2054 in the amount of one hundred thirty dollars (\$130) was received as payment for Wyoming Insurance Department Invoice No. 414794 for Ms. Hernandez' Wyoming Insurance Adjuster license renewal and the filing fee for her continuing education. Respondent's nonresident adjuster license No. 33351 was renewed with an expiration date of April 30, 2013, in reliance upon Respondent meeting the requirements for adjuster licensing set forth in Wyo. Stat. § 26-9-219, including payment of the fee required therefore, pursuant to Wyo. Stat. § 26-4-101; and, that she was trustworthy and of good reputation.
3. On or about May 9, 2011, the Department was notified that check No. 2054 was returned due to insufficient funds.
4. Notice required by Wyo. Stat. § 16-3-113(c) was mailed to Respondent by certified mail, return receipt requested on June 28, 2011, advising that unless valid payment for Respondent's adjuster license was received within 20 days, a petition for revocation of her

<b>FILED</b>
WYOMING INSURANCE DEPARTMENT
DATE <i>July 21, 2011</i>
BY <i>Debra Ann Hillborn</i>

license would be filed. A search on the United States Postal Service's Track & Confirm feature advises that the letter was returned to the sender on July 18, 2011, because it was not claimed by the addressee. Payment has not been made to replace returned check No. 2054.

5. Pursuant to Wyo. Stat. § 26-9-211(a), the Commissioner may place on probation, suspend, revoke or refuse to issue or renew an insurance producer's license for, among other reasons:

(ii) Violating any insurance laws, or violating any regulation, subpoena or order of the commissioner or of another state's insurance commissioner;

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

6. The business records of the Department of Insurance show Respondent is not affiliated with any insurer.

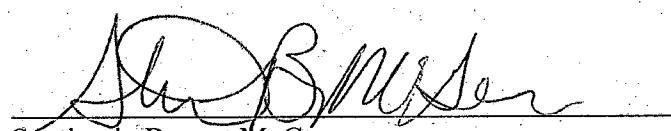
WHEREFORE the Department of Insurance respectfully prays that the Wyoming Insurance Commissioner:

A. Revoke the Respondent's Wyoming nonresident adjuster license for violation of Wyo. Stat. §§ 26-9-211 and 26-9-219.

B. Impose a civil penalty in the amount of Five Hundred Dollars (\$500.00) as permitted by Wyo. Stat. § 26-1-107.

C. Enter such other and further relief as may be permitted by law.

Dated this 20 day of July, 2011.

  
Stephanie Bryant McGee  
Deputy Commissioner  
Wyoming Department of Insurance  
106 East 6<sup>th</sup> Avenue  
Cheyenne, Wyoming 82002  
(307) 777-6896