

Managing General Agent (MGA) Application and Instructions

All fees are NONREFUNDABLE pursuant to 3 AAC 31.010.

Applications not completed within four months from the dated filed will be considered withdrawn and a new application and application fees will be required pursuant to AS 21.27.020(g).

This application is for obtaining **ONLY** an **INDIVIDUAL** or **FIRM** Managing General Agent license. If you determine that license authority other than for this class is required, contact the Division for instructions and the correct application.

We will not accept any obsolete forms for processing due to the nature and the variety of the changes. Please discard any licensing forms you have in order that you do not experience a delay due to filing obsolete forms (forms revised prior to 08/2005 are obsolete).

A firm and all individuals transacting insurance business in this state or relative to a subject resident, located, or to be performed in this state, must be licensed in this state.

Each applicant is responsible for acting in compliance with Alaska laws. **The compliance officer is responsible for renewing the license pursuant to AS 21.27.380.**

The Division recommends you obtain a copy of the Alaska Statutes and regulations that may be accessed from our website at www.commerce.state.ak.us/insurance/statutes.htm

YOU MAY NOT BE REQUIRED TO BE LICENSED IN ALASKA AS AN MGA IF:

- (1) either
 - (A) the person is a United States manager of the United States branch of an alien admitted insurer; or
 - (B) the person's compensation is not based on the volume of premium written; AND
- (2) the person
 - (A) is a wholly-owned subsidiary of the admitted insurer;
 - (B) wholly owns the admitted insurer;
 - (C) is a wholly-owned subsidiary of the insurance holding company subject to AS 21.22 that owns or controls the admitted insurer.

OR

- you are licensed as an MGA in your domicile state;
- you are appointed as an MGA only for non-Alaska domiciled insurers;
- your domicile state's MGA laws are substantially similar to Alaska's; and
- your domicile state is accredited by the National Association of Insurance Commissioners.

If your understanding of Alaska Statutes leads you to believe you are exempt from licensure, identify the statute provisions that apply, specify your duties or the firm's duties in a written statement to the division and complete and submit the MGA License Exemption Form 08-260 for the division's determination.

FORM FILING REQUIREMENTS FOR MANAGING GENERAL AGENTS

RESIDENT

- Application Form 08-226
- Application Fee plus the Fingerprint Card Evaluation fee of \$54.25
- One Fingerprint Card*
- Examination Results: Limited Lines Managing General Agent Exam (valid for one year from examination date)
- Copy of the contract you have with each insurer you represent as an MGA

NONRESIDENT

- Application Form 08-226
- Application Fee
- Copy of the contract you have with each insurer you represent as an MGA

*If you are currently licensed in Alaska, the fingerprint card and fingerprint card evaluation fee is not required.

Once licensed by the State of Alaska, you are required to notify the division by certified mail within 30 days of any of the following occurrences:

- Change in compliance officer
- Change in place of business
- Change in name as reflected on license
- Change in residence
- Change in telephone number
- Change in mailing address
- Disciplinary action by another state or jurisdiction or criminal prosecution

Answers to Frequently Asked Questions (FAQs) are available at www.commerce.state.ak.us/insurance.

FEES PER LICENSE

RESIDENT APPLICANTS

One Fingerprint card to be submitted – the fingerprint card processing fee of \$54.25 must be included with the application fees.

Fingerprint card and fee is not required if currently Alaska licensed.

INDIVIDUAL

RESIDENT

NONRESIDENT

1/2 FEE

FULL FEE

1/2 FEE

FULL FEE

less than 1 year but more than 3 months from the date of your birthday, odd/even year

over 1 year or less than 3 months from the date of your birthday odd/even year

less than 1 year but more than 3 months from the date of your birthday, odd/even year

over 1 year or less than 3 months from the date of your birthday odd/even year

Managing General Agent

All Lines
Property/Casualty Lines
Life Lines

\$100
\$ 50
\$ 50

\$200
\$100
\$100

\$200
\$100
\$100

\$400
\$200
\$200

FIRM

RESIDENT

NONRESIDENT

Managing General Agent

All Lines
Property/Casualty Lines
Life Lines

\$400
\$200
\$200

\$800
\$400
\$400

Compliance Officer

0

0

COMPLIANCE OFFICER INFORMATION

Designated Compliance Officer is responsible for the actions of the firm and all representatives of the firm.

Designated Compliance Officers must be qualified for all lines and classes held by the licensed firm.

The application fee of the designated Compliance Officer of the firm is included with the firm application fee.

FIRMS

A firm license will be effective for two years from original date of license issuance. All sections of the application must be completed.

INDIVIDUALS

Individual applicants must complete all sections of this application except 5 and 6.

If the individual licensee's birth year is an odd number, the license will renew on the individual's birthday every odd-numbered year. If the individual licensee's birth year is an even number, the license will renew on the individual's birthday every even-numbered year.

A renewal notice will be mailed approximately 60 days prior to the expiration of the license. It is the licensee's responsibility to renew their license pursuant to AS 21.27.380 - this is the first bullet under renewals.

EXAMPLE RENEWAL

APPLICANT ONE

APPLICANT TWO

APPLICANT THREE

BIRTHDATE
APPLICATION DATE
WHAT DO YOU PAY?
WHY?

10-16-**34** (even year)
4-1-06
1/2 Fee
Less than one year but more than 3 months from birthday

7-4-**57** (odd year)
4-1-06
Full Fee
More than 1 year from birthday

6-1-**56** (even year)
4-1-06
Full Fee
Within 3 months of birthday

Instructions:

- Please read all instructions before filling out the application form. Residents and nonresidents file the same application form.
- All forms must be completed and filed together in order to insure rapid processing of your application. (Be certain that all are signed as required.)
- All applicants requesting property/casualty authorization must have and reflect a physical place of business accessible to the public.

STATE OF ALASKA
 DEPARTMENT OF COMMERCE, COMMUNITY,
 AND ECONOMIC DEVELOPMENT
 DIVISION OF INSURANCE
 333 WILLOUGHBY AVENUE, 9TH FLOOR
 P.O. BOX 110805, JUNEAU, ALASKA 99811-0805
 (907) 465-2515
 FAX NUMBER: (907) 465-2816
 Website: www.commerce.state.ak.us/insurance/license.htm

Division use only
Batch # _____ \$ _____

APPLICATION FOR MANAGING GENERAL AGENT INSURANCE LICENSE
INCOMPLETE RESPONSES WILL BE RETURNED FOR COMPLETION

1	NAME OF APPLICANT _____															
2	DBA/Trade Name (if applicable) Alaska Statute (AS) 21.27.010(d) states "a licensee may not use a fictitious or alias unless the licensee's legal name and fictitious or alias are on the license." a) List any assumed fictitious, alias, maiden or trade names which you have used in the past. b) List any trade names under which you are currently doing business or intend to do business. _____															
3	If applicable, NASD Firm Central Registration Depository (CRD) Number _____						Is the applicant affiliated with a financial institution/bank? Yes <input type="checkbox"/> No <input type="checkbox"/>									
	Business Physical Address _____				City _____			State _____		Zip or Foreign Country _____						
	Telephone Number _____		Fax Number _____			Business Website Address _____			Business E-mail Address _____							
	Mailing Address _____			P.O. Box _____		City _____			State _____		Zip or Foreign Country _____					
4	Check line(s) of authority for which you are applying. Check the last column if you have been previously licensed in Alaska: Lines of Authority A – All Lines (L, H, P, C) L – Life H – Health V – Variable Life/Variable Annuity* P – Property C – Casualty PL – Personal Lines *You must complete #3 above Limited Lines S – Surety M – Motor Vehicle T – Travel Credit – Credit Crop – CROP O – Other															
	Lines of Authority											Alaska Licensed?				
	A	L	H	V	P	C	PL	Credit	M	Crop	T	S	O	YES	NO	
5	COMPLETE QUESTIONS 5-7, FOR FIRMS ONLY															
	Legal Business Type C – Corporation P – Partnership S – Sole Proprietorship LLC – Limited Liability Corporation LLP – Limited Liability Partnership															
	Legal Business Type				Incorporation/Formation Date				FEIN		State of Domicile		Country of Domicile			
	C	P	S	LLC	LLP	month____day____year____										
6	OWNERS, PARTNERS, OFFICERS, AND DIRECTORS															
	Identify all owners with 10% interest or voting interest, partners, officers, and directors of the business entity, or members or managers of the LLC.															
	Name _____				Title _____				SSN _____							
	Name _____				Title _____				SSN _____							
	Name _____				Title _____				SSN _____							
	Name _____				Title _____				SSN _____							
	Name _____				Title _____				SSN _____							
	Name _____				Title _____				SSN _____							
	Name _____				Title _____				SSN _____							
	Name _____				Title _____				SSN _____							
	Name _____				Title _____				SSN _____							
	Name _____				Title _____				SSN _____							
	Name _____				Title _____				SSN _____							

EMPLOYMENT HISTORY

10

Account for all time for the past five years. Give all employment experience starting with your current employer working back ten full years. Include full and part-time work, self-employment, military service, unemployment and full-time education, accounting for the filling five years time **without gaps**. Attach a separate piece of paper, if necessary.

Name	From		To		Position Held
	Month	Year	Month	Year	
City State					
Name					
City State					
Name					
City State					
Name					
City State					
Name					
City State					
Name					
City State					
Name					

11

Will a fiduciary account be maintained? Yes No If NO, please explain in detail, how you will be in compliance with AS 21.27.620(a)(4)(C).

Please indicate location of the fiduciary account(s) and the fiduciary account number(s).

Bank _____ Account Number _____
 City _____ State _____ Zip Code _____

12

Present employer may be contacted. Yes No If no, please explain _____
 Former employers may be contacted. Yes No

13

a. Have you ever been in a position which required a fidelity bond? Yes No
 If any claims were made against the bond, give details: _____

 b. Have you ever been denied an individual or position schedule fidelity bond, or had a bond cancelled or revoked?
 Yes No
 If yes, give detail: _____

14

List any insurers, reinsurer, agents, brokers, or reinsurance intermediaries in which you are a partner or control directly or indirectly or own legally or beneficially 10% or more of the outstanding stock (in voting power). _____

 If any of the stock is pledged or hypothecated in any way, give details: _____

 If you determine that you are a controlling insurance producer, you must comply with AS 21.27.

15

List any group, association or other organization of insurers which engages in joint underwriting or joint reinsurance with which you are affiliated and identify the companies that are members. _____

16

Have you ever been an officer, director, trustee, investment committee member, key employee, or controlling stockholder of any insurance related organization which, while you occupied any such position or capacity with respect to it, became insolvent or was placed under supervision or in receivership, rehabilitation, liquidation or conservatorship? Yes No
 If yes, give details: _____

BACKGROUND INFORMATION

The applicant must read the following very carefully and answer every question. All copies of documents must be certified. All written statements submitted by the Applicant must include an original signature.

1. Have you ever been convicted of, or are you currently charged with committing a crime, whether or not adjudication was withheld? Yes No

"Crime" includes a misdemeanor, felony, or a military offense. You may exclude misdemeanor traffic citations or misdemeanor convictions, involving driving under the influence (DUI), driving while intoxicated (DWI), driving without a license, reckless driving, driving with a suspended or revoked license, and juvenile offenses.

"Convicted" includes, but is not limited to, having been found guilty by verdict of a judge or jury, having entered a plea of guilty or nolo contendere, or having been given probation, a suspended sentence or a fine.

If you have a felony conviction, have you applied for a waiver as required by 18 USC 1033? N/A _____ Yes _____ No _____

If so, was that waiver granted? (Attach copy of 1033 waiver approved by home state.) N/A _____ Yes _____ No _____

If you answer yes, you must attach to this application:

- a) a written statement explaining the circumstances of each incident,
- b) a certified copy of the charging document, and
- c) a certified copy of the official document which demonstrates the resolution of the charges or any final judgment.

2. Have you or the firm or any owner, officer, or director ever been involved in an administrative action regarding any professional or occupational license? Yes No

"Involved" means having a license censured, suspended, revoked, canceled, terminated; or, being assessed a fine, a cease and desist order, a prohibition order, a compliance order, placed on probation or surrendering a license to resolve an administrative action. "Involved" also means being named as a party to an administrative or arbitration proceeding which is related to a professional or occupational license.

"Involved" also means having a license application denied or the act of withdrawing an application to avoid a denial. You may EXCLUDE terminations due solely to noncompliance with continuing education requirements or failure to pay a renewal fee.

If you answer yes, you must attach to this application:

- a) a written statement identifying the type of license and explaining the circumstances of each incident,
- b) a copy of the Notice of Hearing or other document that states the charges and allegations, and
- c) a copy of the official document which demonstrates the resolution of the charges or any final judgment.

3. Has any demand been made or judgment rendered against you or the firm or any owner, partner, officer, or director for overdue monies by an insurer, insured or producer, or have you ever been subject to a bankruptcy proceeding? Only include individual bankruptcies that involve funds held on behalf of others. Yes No

If you answer yes, submit a statement summarizing the details of the indebtedness and arrangements for repayment, and/or type and location of bankruptcy.

4. Have you or the firm or any owner, officer, or director ever been notified by any jurisdiction to which you are applying of any delinquent tax obligation that is not the subject of a repayment agreement? Yes No

If you answer yes, identify the jurisdiction(s): _____

5. Are you or the firm or any owner, partner, officer, or director currently a party to, or ever been found liable in, any lawsuit or arbitration proceeding involving allegations of fraud, misappropriation or conversion of funds, misrepresentation or breach of fiduciary duty? Yes No

If you answer yes, you must attach to this application:

- a) a written statement summarizing the details of each incident,
- b) a copy of the Petition, Complaint, or other document that commenced the lawsuit or arbitration, and
- c) a copy of the official document which demonstrates the resolution of the charges or any final judgment.

6. Have you or the firm or any owner, partner, officer, or director ever had an insurance agency contract or any other business relationship with an insurance company terminated for any alleged misconduct? Yes No

If you answer yes, you must attach to this application:

- a) a written statement summarizing the details of each incident and explaining why you feel this incident should not prevent you from receiving an insurance license, and
- b) copies of all relevant documents.

7. Do you have a child support obligation in arrearage that is currently subject to repayment agreement or are you subject to a child support related subpoena/warrant? Yes No

If you answer yes to Question 7, by how many months are you in arrearage? _____ Months

CERTIFICATION

I hereby certify under penalty of perjury, that:

1. All of the information submitted in this application and attachments is true and complete and I am aware that submitting false information or omitting pertinent or material information in connection with this application is grounds for license or registration revocation and may subject me to civil or criminal penalties.
2. Where required by law, I hereby designate the Director of Insurance to be its agent for service of process regarding all insurance matters and agree that service upon the Alaska Director of Insurance is of the same legal force and validity as personal service upon me or the business entity.
3. I and the business entity grant permission to the Director of Insurance for which this application is made to verify any information supplied with any federal, state or local government agency, current or former employer or insurance company.
4. I certify I a) do not have a current child-support obligation, or b) I have a child-support obligation and I am currently in compliance with that obligation, or c) I have identified my child support obligation arrearage on this application.
5. I authorize the State of Alaska to give any information it may have concerning me to any federal, state or municipal agency, or any other organization and I release the State of Alaska and any person acting on their behalf from any and all liability of whatever nature by reason of furnishing such information.
6. I acknowledge that I am familiar with the Alaska insurance laws and regulations.
7. No representatives acting on behalf of this firm have been convicted of any felony involving dishonesty or breach of trust (18 USC 1033).
8. As part of the resident licensing process pursuant to applicable state law, resident applicant acknowledges that the submission of his or her fingerprint record will be submitted to a secured centralized repository maintained by the National Association of Insurance Commissioners (NAIC) as authorized by the state insurance department pursuant to a memorandum of understanding between participating state insurance departments and the NAIC. The resident applicant acknowledges the fingerprinting record will be stored at the NAIC and transmitted to law enforcement agencies for the purpose of determining applicant's qualification for licensure.

Must be signed and dated by applicant or, if for a firm license, the officer, director, or partner of the firm, or member if a limited liability company.

Signature

Type or Printed Name

Month/Day/Year

PART III

This section must be completed by each insurer appointing you as a Managing General Agent, filed with a copy of the agency contract. If the MGA is domiciled in Alaska or the insurer is domiciled in a state **NOT** accredited with the National Association of Insurance Commissioners, the contract must be filed and approved by the director at least 30 days prior to the MGA transacting business in this state.

1	Name of Insurer: _____ NAIC group and company number: _____
2	Name and address of Managing General Agent to whom authority is delegated: _____ _____
3	For what classes of business has authority been extended? _____ _____
4	Term of Contract? Beginning Date: _____ Ending Date: _____
5	<p>Is the managing general agent authorized to:</p> <ul style="list-style-type: none"> • Manage all or part of the insurance business of an insurer, including the managing of a separate division, department, or underwriting office? <input type="checkbox"/> Yes <input type="checkbox"/> No • Act as an agent for an insurer, (whether known as a managing general agent, manager, or other similar term) who, with or without the authority, separately or together with affiliates, produces, directly or indirectly, and underwrites an amount of gross direct written premium equal to or more than five percent of the policyholders surplus as reported in the last annual statement of the insurer in any one quarter or year together with the following activity related to the business produced? <input type="checkbox"/> Yes <input type="checkbox"/> No • Adjust or pay claims over \$10,000 a claim? <input type="checkbox"/> Yes <input type="checkbox"/> No • Negotiate reinsurance on behalf of the insurer? <input type="checkbox"/> Yes <input type="checkbox"/> No • Appoint subagents? <input type="checkbox"/> Yes <input type="checkbox"/> No
6	<p>NONRESIDENT ONLY</p> <p>Does the contract termination clause comply with the 30-day notice to the director requirement in AS 21.27.620(a)(4)(M)?</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No If no, please explain _____</p>
7	<p>Does the contract specify the following: (Indicate where in the contract to the right of the question.)</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No Establish of the responsibilities of each party for a particular function and the division of responsibilities. _____</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No Termination of the contract for cause upon written notice, sent certified mail, and the right to suspend the underwriting authority during any dispute for cause of termination. _____</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No Remission of all money due, detailing transactions at least monthly. _____</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No Compliance with all applicable fiduciary account statutes and regulations. _____</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No Use of the fiduciary account for all payments on behalf of the insurer. _____</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No Separate records will be maintained for the insurer, and the insurer having the right to audit and copy all accounts and records related to the insurer's business. _____</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No Statement that the contract may not be assigned in whole or in part. _____</p>

<p>8</p>	<p>If the Managing General Agent has underwriting authority, complete all questions in number 8 (indicate where in the contract to the right of the question). If not, proceed to question 9.</p> <p>Does the contract specify:</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No the MGA's maximum annual premium volume. _____</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No the rating system and basis of the rates to be charged. _____</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No the types of risks that may be written. _____</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No the maximum limits of liability. _____</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No the applicable exclusions. _____</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No the territorial limitations. _____</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No the policy cancellation provisions. _____</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No the maximum policy term. _____</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No that the insurer shall have the right to cancel or not renew a policy of insurance subject to applicable state law. _____</p>
<p>9</p>	<p>If the Managing General Agent has authority to settle claims on behalf of the insurer, complete all questions in number 9 (indicate where in the contract to the right of the question). If not, proceed to question 10.</p> <p>Does the contract specify the Managing General Agent's:</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No Written settlement authority which may be terminated for cause upon written notice, sent certified mail, and the right to suspend settlement authority during any dispute for cause of termination. _____</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No Require claims to be reported to the insurer within 30 days. _____</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No Specify that claim files are the property of both the insurer and Managing General Agent except upon an order of liquidation of the insurer the claims files become the sole property of the insurer or the insurer's estate, the Managing General Agent shall have reasonable access to and the right to copy the files on a timely basis. _____</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No Limitation on retaining estimated claim payments and allocated loss adjustment expenses (not more than four months). _____</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No Require that a copy of the claim file be sent upon insurer request or when claim exceeds an amount set by the director or the insurer, whichever is less, involves a coverage dispute, may exceed the Managing General Agent's claim authority, is open for more than six months, involves extra contractual allegations, or is closed by payment in excess of an amount set by the director or an amount set by the insurer, whichever is less. _____</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No Compliance with the unfair claims settlement statutes and regulations. _____</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No Transmission of electronic data at least monthly if electronic claims files are in existence. _____</p>
<p>10</p>	<p>If the contract has a provision for sharing interim profits, complete all of question 10 (indicate where in the contract to the right of the question). If not, proceed to question number 11.</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No Does the Managing General Agent have authority to determine the amount of the interim profits by: establishing loss reserves; controlling claims payments or any other manner. _____</p> <p>If yes, does the contract specify that the interim profits will not be paid until:</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No One year after they are earned for property insurance business and five years after they are earned in casualty business. _____</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No Profits are independently verified in accordance with Alaska Statute 21.27.620. _____</p>
<p>11</p>	<p>How often is an on-site audit of the Managing General Agent conducted? _____</p> <p>Copy of the last audit report enclosed <input type="checkbox"/></p> <p>When was the last on-site audit completed? _____</p>