

**KENTUCKY DEPARTMENT OF INSURANCE
APPLICATION
FOR WRITTEN CONSENT
TO ENGAGE IN THE
BUSINESS OF INSURANCE
PURSUANT TO 18 U.S.C. §§ 1033 AND 1034**

Notice to Applicant: 18 U.S.C. § 1033 prohibits certain activities by or affecting persons engaged, or proposing to become engaged, in the business of insurance:

- (e)(1)(A) Any individual who has been convicted of any criminal felony involving dishonesty or a breach of trust, or who has been convicted of an offense under this section, and who willfully engages in the business of insurance whose activities affect interstate commerce or participates in such business, shall be fined as provided in this title or imprisoned not more than 5 years, or both.
- (B) Any individual who is engaged in the business of insurance whose activities affect interstate commerce and who willfully permits the participation described in subparagraph (A) shall be fined as provided in this title or imprisoned not more than 5 years, or both.
- (e)(2) A person described in paragraph (1)(A) may engage in the business of insurance or participate in such business if such person has the written consent of any regulatory official authorized to regulate the insurer, which consent specifically refers to this section.

This Application will be reviewed by the Commissioner of Insurance to determine whether the Applicant should be given written consent to engage in the business of insurance or participate in the business pursuant to 18 U.S.C. § 1033(e)(2).

You must answer every question on the Application. If a question does not apply, indicate N/A in the space provided for the answer. Your answers are not limited to the space provided on the Application. Attach additional pages as needed. The Department of Insurance will not process incomplete Applications. This Application must be provided to the Department of Insurance within thirty (30) days of your receipt of this Application form. Additional information may be requested. After determining the Application is complete, if necessary, the Department will notify you of a date and time for a meeting with the Department's 1033 Advisory Committee during which you may orally present your reasons why you believe the Commissioner should grant you consent.

One original and five (5) duplicate copies of this application form should be mailed to:

**Kentucky Department of Insurance
Office of General Counsel
18 U.S.C. § 1033 Advisory Committee
P. O. Box 517
Frankfort, KY 40602**

PLEASE TYPE

SECTION I – APPLICANT INFORMATION

Full Name of Applicant:

Last Name	First Name	Middle	SS#
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Home Address	City	County	State	ZIP	Home Phone
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Business Address	City	County	State	ZIP	Business Phone
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1. If you were born in the United States, provide the following:

Place of Birth	City	County	State	ZIP	Date of Birth
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2. If you were not born in the United States, provide the time of first entry and port of entry:

3. Are you a U.S. Citizen? yes no
If no, provide the following:

Citizenship Country	State/Province	Basis of U.S. Residence	Alien Registration Number
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4. If you are a naturalized citizen of the United States, indicate where and how you became naturalized. The number of the Certificate of Naturalization must be provided, if applicable.

5. Have you ever used or been known by another name (including maiden name) or used or been issued another Social Security number? yes no
If yes, provide the following (attach additional pages as needed):

Name	Social Security Number	Date of Use
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6. Provide identification of your current, and all former, spouses (attach additional pages as needed):

Spouse's Last Name	First Name	Middle	Social Security Number	Marital Status
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7. Do any of your relatives, by blood or marriage (either current or prior), serve in any capacity with any entity engaged in the business of insurance?
 yes no

If yes, provide the following (attach additional pages as needed):

Name of Relative	Address	Relationship to Applicant Insurer/Employer
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8. Have you ever been a party, in any capacity, in a civil action, lawsuit, bankruptcy or other proceeding? yes no

If yes, provide details of all civil actions (attach additional pages as needed):

Title of Case	Case Number
<input type="checkbox"/> Federal <input type="checkbox"/> State Identification of Court	City/State Date of Action

Description of case and your involvement, including outcome:

SECTION II – EDUCATION

1. Provide complete details about your education and training, including identification of all schools that you have attended. Attach additional pages as needed.

Name of High School(s)	Address	Major	Dates Attended	Highest Level Attained
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Name of College(s)	Address	Major	Dates Attended	Highest Level Attained
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Name of Tech School(s)	Address	Major	Dates Attended	Designation
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Post Graduate Schools	Address	Dates Attended	Designation or Programs
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SECTION III – CHRONOLOGICAL EMPLOYMENT HISTORY AND PROFESSIONAL LICENSES – CERTIFICATIONS – DESIGNATIONS

1. List in chronological order each and every place where you have been employed, including any military service (attach additional pages as needed). Include all instances where you have served as a paid or non-paid officer or director.

Name of Employer	Address	Title/Job	Employment Dates	Reasons for Leaving

2. Do you now hold, or have you ever held, a professional license relating to the business of insurance, including but not limited to, being a producer, agent, broker, solicitor, adjuster, or third party administrator? yes no

If yes, provide the following information about your active or prior insurance professional license(s) (attach additional pages as needed):

Type of License	Date of Issue	State	Status of License
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3. Have you ever had a consumer complaint, administrative, civil or other legal proceeding (include pending actions) filed against you regarding your insurance activities? yes no

If yes, provide the following (attach additional pages as needed):

Type of Action	Court/Administrative Agency	State	Date of Action	Outcome
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4. If your insurance-related license has ever been suspended, revoked, or administratively sanctioned (include pending actions) as a result of the legal or administrative action described in this section, provide the following information (attach additional pages as needed):

Date of Sanction/ Suspension/Revocation	Type of License	Fines Paid	Status of Proceeding
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5. Do you now hold, or have you ever held, any other professional licenses, certifications or designations not issued by a Department of Insurance? yes no

If yes, provide the following information about your active or prior professional licenses, certifications or designations (attach additional pages as needed):

Issued by	Address	City/State
Type of License, certification or designation	Date of Issue	Status of license, certification or designation

6. Have you ever had a customer, client or consumer complaint, administrative or other legal proceeding (include pending actions) filed against you regarding your other professional activities?
 yes no

If yes, provide the following (attach additional pages as needed):

Type of Action	Court/Administrative Agency	State	Date of Action	Outcome
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7. If any other professional licenses, certifications or designations have ever been suspended, revoked, or administratively sanctioned as a result of the legal or administrative action described in this section (include pending actions), provide the following information (attach additional pages as needed):

Date of Sanction/Suspension/Revocation	Type of License	Fines Paid	Status of Proceeding
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SECTION IV – CRIMINAL HISTORY

1. Provide a narrative statement describing the circumstances leading to all criminal charge(s) filed against you: the date of charge(s); place of charge(s); trial court(s); date of disposition; convicted charge(s); sentence(s); date(s) of incarceration; date(s) of probation/parole; date(s) of release from probation/parole; restitution ordered; restitution paid; fines/costs ordered; fines/costs paid. Include details of negotiated plea agreements and pleas of nolo contendere to an information or indictment. Describe in detail the criminal conviction or convictions which are the subject of this Application. Attach additional pages if needed.

2. Other than described in Section IV, No. 1, during your lifetime have you ever been charged, arrested, indicted, entered into a negotiated plea agreement, entered a plea of guilty or nolo contendere to an Information or indictment, had a sentence suspended or had pronouncement of a sentence suspended, in connection with any other felony or misdemeanor criminal activities?

yes no

If yes, provide a narrative statement describing the circumstances of every instance.

3. Have you received any type of pardon to the offense or offenses that are the subject of this Application, or any other offense listed in this Application?

yes no

If yes, provide the following information (add additional pages if needed):

Pardoning Authority	County	State	Convicted Offense	Date of Pardon	Terms of Pardon
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4. Have you made full payment of any and all outstanding court costs, supervision fees, fines and ordered restitution concerning any and all offenses? yes no

If no, provide explanation (add additional pages if needed):

5. Are there mitigating or extenuating circumstances surrounding your commission of the offenses listed in Section IV? If yes, explain (attach additional pages as needed).

6. List all evidence that exists regarding your rehabilitation (attach additional pages as needed).

SECTION V – PRESENT/PROPOSED INSURANCE EMPLOYMENT

1. Provide complete details about your present employment or business association/relationship with an entity engaged in the business of insurance (attach additional pages as needed):

Name of Employer	Address	City	State	ZIP	Telephone
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Name of Insurance Entity	Address	City	State	ZIP	Telephone
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Applicant's Direct Supervisor	Address	City	State	ZIP	Telephone
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Business Location of Applicant's Employment/Insurance Related Activity	Offices Held or Job Title
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2. Describe in detail the nature, duties and activities of your present employment or business association/relationship with an entity engaged in the business of insurance, including office, position, occupation, trade, vocation, or profession (attach additional pages as needed):

3. Provide complete details about your proposed employment or business association/relationship with an entity engaged in the business of insurance (attach additional pages as needed):

Name of Employer	Address	City	State	ZIP	Telephone
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Name of Insurance Entity	Address	City	State	ZIP	Telephone
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Applicant's Direct Supervisor	Address	City	State	ZIP	Telephone
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Business Location of Applicant's Employment/Insurance Related Activity	Offices Held or Job Title
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4. Describe in detail the nature, duties and activities of your proposed office, position, occupation, trade, vocation, or profession (attach additional pages as needed):

5. Explain why your conviction(s) will not affect your fitness or ability to perform any of the above duties or activities (attach additional pages as needed):

6. List the names and locations of all insurers and entities providing services to insurers for which you have advised, represented or in any manner worked for or provided services to, together with a description of the activities performed for each such entity (attach additional pages as needed).

7. Provide details of any proposed or current written or oral agreements, contracts or understandings between yourself and any entities engaged in the business of insurance (attach additional pages as needed).

SECTION VI – FINANCIAL INFORMATION

1. Attach financial statement(s) indicating your net worth, including all assets held by you, or held in the names of others for you, the amount of each secured and unsecured liability owed by you, or by you together with any other person.

2. Do you have any judicial or administrative penalties, fines or outstanding (include pending) actions?
 yes no

If yes, describe in detail (attach additional pages as needed):

3. Do you have any civil judgments, tax or other liens or penalties outstanding (include pending) actions? yes no

If yes, describe in detail (attach additional pages as needed):

4. Do you have any past due or delinquent loans, child support or alimony?

yes no

If yes, describe in detail (attach additional pages as needed):

5. Attach a list indicating the amount and sources of all income for five (5) calendar years prior to the Application through the date of the Application.

6. Have you ever been in a position which required a fidelity bond? yes no

If yes, and any claims were made on the bond, provide details (attach additional pages as needed):

7. Have you ever been denied an individual or position schedule fidelity bond, or had a bond canceled or revoked? yes no

If yes, provide details (attach additional pages as needed):

8. Have you, or any business entity in which you served as an officer, director, trustee, investment committee member, key employee, stockholder or owner become insolvent, placed in bankruptcy, receivership, rehabilitation or liquidation? yes no

If yes, provide details (attach additional pages as needed):

9. List any and all entities (corporations, partnerships, sole proprietorships, trusts, etc.) engaged, directly or indirectly, in the business of insurance in which you hold directly or beneficially (or hold in joint tenancy, or in the name of others for you) a stock or other ownership interest. Include any option agreements to purchase or participate in an ownership interest (attach additional pages as needed):

10. List any and all entities (corporations, partnerships, sole proprietorships, trusts, etc.) engaged, directly or indirectly, in the business of insurance in which your relatives, by blood or marriage, hold directly or beneficially a stock or other ownership interest. Include any option agreements to purchase or participate in an ownership interest (attach additional pages as needed):

SECTION VII – GROUNDS RELIED UPON FOR APPLICATION FOR WRITTEN CONSENT

1. Provide a complete explanation of the reasons or grounds the applicant relies upon to establish that the applicant’s insurance activities for which written consent is sought will not be contrary to the intent and purpose of 18 U.S.C. § 1033, and will not pose a risk to the insurance consumers or the insurance companies (attach additional pages if needed):

2. You may enclose up to four (4) letters of recommendation addressed to the Kentucky Department of Insurance § 1033 Advisory Committee, attesting to your character and reputation. Each letter of recommendation shall expressly state that the person providing the recommendation has read the Act and that the recommendation is being provided in connection with the prohibited person’s request for written consent under the Act to engage in or participate in the business of insurance in the Commonwealth of Kentucky. Each letter of recommendation shall also describe the nature of the author’s relationship and/or familiarity with the prohibited person, including the length of its duration, and shall present specific facts--not conclusory statements--revealing the prohibited person’s demonstrated character, particularly as to his or her veracity, trustworthiness, honesty and other character traits relating to employment.

The Committee shall consider only those letters of recommendation that are notarized, typewritten and mailed directly to the Committee by the person providing the recommendation. In its deliberations on the request for written consent, the Committee shall not consider any other statements of support unless the supporting persons--not to exceed four (4)-- attend the meeting and testify under oath.

3. Have you ever applied for written consent with any other Commissioner or equivalent?
 yes no

If yes, provide the following information, together with a copy of the Application filed in other state(s):

Name of Commissioner	State	Date of Application	Outcome of Request
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SECTION VIII – ATTACHMENTS

Attach the following documents to this Application for Written Consent. Applications without attachments or Applications with incomplete attachments will be returned to the applicant.

1. A certified copy of the applicant’s criminal history.
2. A certified copy of the indictment, criminal complaint or other initiating document for the charge(s) which is (are) the subject of this Application.
3. A certified copy of the order of judgment and sentence of the Court for the conviction which is the subject of this Application (including certification of performance of all conditions imposed by the Court) and/or a certified copy of the Court docket.
4. A current financial statement and list of sources of income (as described in Section VI).
5. Copies of any and all current or proposed agreements between you and any entity engaged in the business of insurance.
6. A sworn affidavit from the president, or other designated officer or director of the insurer, that states: the basis under which the Affiant is authorized to execute and attest to the statements made in the affidavit; the applicant will in fact perform only those insurance activities as fully described in the Application; the Application is to the best of his/her knowledge and belief, true and correct; the applicant will not be placed in a position in which his/her activities will constitute a risk or threat to insurance consumers or the insurer.
7. A copy of any pardon. (if applicable)
8. Any other attachments that the insurance regulatory official deems appropriate.

The applicant may include the following evidence of rehabilitation for the Commissioner’s consideration:

1. Post-conviction community service.
2. Post-conviction charitable activity.
3. Any other information the applicant believes will assist the Commissioner in determining whether to grant written consent.
4. You may enclose up to four (4) letters of recommendation addressed to the Kentucky Department of Insurance § 1033 Advisory Committee, attesting to your character and reputation. Each letter of recommendation shall expressly state that the person providing the recommendation has read the Act and that the recommendation is being provided in connection with the prohibited person’s request for written consent under the Act to engage in or participate in the business of insurance in the Commonwealth of Kentucky. Each letter of recommendation shall also describe the nature of the author’s relationship and/or familiarity with the prohibited person, including the length of its duration, and shall present specific facts--not conclusory statements--revealing the prohibited person’s demonstrated character, particularly as to his or her veracity, trustworthiness, honesty and other character traits relating to employment.

SECTION IX – APPLICANT’S SWORN STATEMENT VERIFYING TRUTH OF INFORMATION IN APPLICATION AND AUTHORIZATION FOR RELEASE OF INFORMATION

I, _____ (name of applicant), swear under penalty of law that my statements in the attached Application, and the documents appended thereto, are true and correct and complete. I understand that my statements in the Application and the attachments to my Application will be relied upon by the Commissioner of the Kentucky Department of Insurance in the execution of his or her duties under the Insurance Code, and 18 U.S.C. § 1033, in making a decision on this Application. I understand that if I have made any false statement in this Application, or if there are any false statements included in the attachments to this Application, I may be criminally prosecuted under any state criminal or administrative remedies available and that any insurance license(s) that I currently hold, or for which I have applied, will be subject to suspension or revocation. I further understand that these false statements would also constitute a violation of 18 U.S.C. § 1033. For purposes of this Application, I do not contest the validity of any felony conviction upon which this request would be granted. By signing this Application, I acknowledge that the Kentucky Department of Insurance may conduct an independent investigation to confirm the information in this Application and I expressly consent and authorize any person, business or agency to release any information the Department of Insurance may request as part of the investigation, including but not limited to, records of my former employment, state and federal tax returns, business records, and banking records. I hereby waive any M.G.L. c. 6, §§ 168-175 confidentiality rights and authorize the Kentucky Department of Insurance to access, inspect, disseminate and freely utilize in the informational meeting and preparation thereof, all criminal record information including, but not limited to, information maintained by Kentucky Administrative Office of the Courts System and other agencies, both federal and state, maintaining the same and/or similar criminal information. I acknowledge that the Kentucky Department of Insurance may request, inspect and freely utilize any other records and information that it deems relevant and useful in the determination of the issue(s) presented by this request for written consent.

Signature of Applicant

Date

STATE OF _____

COUNTY OF _____

Subscribed, sworn to, and acknowledged before me by _____ to be his/her
free act and deed this _____ day of _____, 20____.

Notary Public, State at Large

My Commission Expires