

FILED 7/9/2014

2014 JUL 22 A 9 52

To whom it may concern,

My name is Nyaten Gaye and I am currently being investigated for untrue information on the license application for the NAIC. It is saying that I answered "No" to ever having been convicted of a crime, having had a judgment withheld or deferred, or currently being charged with committing a crime. Reason I put "NO" to that answer was because I was under the impression that if an incident has been expunged from your record, you don't have to disclose that information. This incident happen in 2003 when I was in college and it was in error in judgment on my part that I am currently facing the consequences for. The individuals I was with took goods and I was guilty by association. I tried fighting the charges back in 2003 but lack of means and "circumstance" caused me to accept the charges. I should have done more investigation on my pass mistakes and see how it will affect my work status. For that, I am wrong and I apologize. When the incident happens, I was told by a court clerks in 2003 that this class E misdemeanor would be expunged off my record. After I graduate from the University of New England in 2005, I held four different positions which ran background checks and the incident never came up. So again, I am under the impression that because this incident is expunged I can put "NO" on the application. Now MetLife, through their corporate licensing and regulations, found that the incident happened in 2003 didn't get expunged and was still on my record. That's when I was terminated. I never deliberately intend to defraud any commission or knowing lied on an application to gain employment. Since that incident happened in 2003 I have graduated from college, have a family and have never been convicted of any criminal incidents. Since being terminated on Feb. 5 2014 I have not been employed. There is a huge possibility I could foreclose on my home and my family life is in shambles. These are all things that I take full responsibility for and have to face the consequences. I do express tremendous remorse for any misunderstanding that I may have caused. I have suffered tremendously because of this issue. I am an honest man and really enjoy this industry and have great passion for what I do. Because of that, I aspire to gain my Series 6 and 63 and would not like this incident to disqualify me from gaining any other licenses in the future. I am currently in danger of losing my home, my family and my integrity because of a misunderstanding. I am willing to supply any documents necessary but again I take full responsibility for the misunderstanding. I would like to request a hearing to explain my situation and ask the commissioner to reverse or postpone the revocation of my license until we are able to speak. I would be grateful if I could receive a teleconference with the Commissioner's to discuss this matter. Thank You

Nyaten Gaye



OFFICE OF  
INSURANCE COMMISSIONER

<i>In the Matter of</i>	)	No. 14-0144
	)	
<b>NYATEN GAYE,</b>	)	
	)	<b>ORDER REVOKING LICENSE</b>
Licensee.	)	
	)	

To: Nyaten Gaye  
218 Highland Avenue  
Johnston, RI 02919

IT IS ORDERED AND YOU ARE HEREBY NOTIFIED that your license is REVOKED, effective July 11, 2014, pursuant to RCW 48.17.530 and 48.17.540 (2).

**THIS ORDER IS BASED ON THE FOLLOWING:**

The Commissioner sent you inquiries dated March 27, 2014; April 30, 2014; and May 29, 2014. These numerous attempts to communicate with you were related to the business of insurance, requesting information regarding a 2003 arrest and charge of theft that had not been disclosed on your insurance license application which resulted in the termination of your employment with MetLife. You did not respond to any of the letters. Each failure to respond within fifteen business days violated RCW 48.17.475.

**NOTICE CONCERNING YOUR RIGHT TO A HEARING.** If you are aggrieved by this Order, RCW 48.04.010 permits you to demand a hearing. Pursuant to that statute and others: You must demand a hearing, in writing, within 90 days after the date of this Order, which is the day it was mailed to you, or you will waive your right to a hearing. Your demand for a hearing must specify briefly the reasons why you think this Order should be changed. If your demand for a hearing is received by the Commissioner before the effective date of the revocation, then the revocation will be stayed (postponed) pending the hearing, pursuant to RCW 48.04.020. Upon receipt of your demand for hearing, you will be contacted by an assistant of the Chief Hearing Officer to schedule a teleconference with you and the Insurance Commissioner's Office to discuss the hearing and the procedures to be followed.



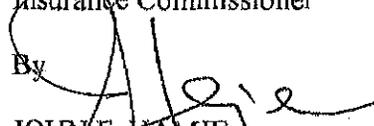
OFFICE OF INSURANCE COMMISSIONER  
ORDER REVOKING LICENSE  
No. 14-0144  
Page 2

**Please send any demand for hearing to the Insurance Commissioner, to the attention of Chief Hearing Officer, Hearings Unit, Office of Insurance Commissioner, P.O. Box 40255, Olympia, WA 98504-0255.**

ENTERED AT TUMWATER, WASHINGTON, this 27th day of June, 2014.

MIKE KREIDLER  
Insurance Commissioner

By

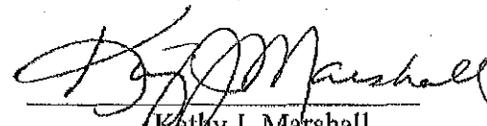
  
JOHN E. HAMJE  
Deputy Insurance Commissioner

Compliance Supervisor: Cheryl Penn

**DECLARATION OF MAILING**

I certify under penalty of perjury under the laws of the State of Washington that on the date listed below, I mailed or caused delivery of a true copy of this document to *Nyaten Gaye*.

Dated: *June 29, 2014*  
At Tumwater, Washington

  
Kathy J. Marshall

## NOTICE OF YOUR RIGHT TO A HEARING

You have the right to demand a hearing to contest this Order. During this hearing, you can present your argument that the Order should not have been entered for legal and/or factual reasons and/or to explain the circumstances surrounding the activities which are the subject of this Order. You may be represented by an attorney if you wish, although in some hearings before this agency parties do choose to represent themselves without an attorney.

Your demand for hearing should be sent to Office of the Insurance Commissioner, Attention: Patricia D. Petersen, Chief Hearing Officer, Hearings Unit, P.O. Box 40255, Olympia, WA 98504-0255, and must briefly state how you are harmed by this Order and why you disagree with it. You will then be notified both by telephone and in writing of the time and place of your hearing. If you have questions concerning filing a Demand for Hearing or the hearing process, please telephone the Hearings Unit, Office of the Insurance Commissioner, at 360/725-7002.

Your Demand for Hearing must be made within 90 days after the date of this Order, which is the date of mailing, or your Demand will be invalid and this Order will stand. If your Demand for Hearing is received before the effective date of this Order, the penalties contained in the Order will be stayed (postponed) until after your hearing.

It is important to know that if you demand a hearing, you will have two options for how it will be handled:

Option 1: Unless you specifically request Option 2, your hearing will be presided over by an administrative law judge from the Office of the Insurance Commissioner. Under this option, upon receipt of your Demand for Hearing, the Insurance Commissioner may refer the case to an administrative law judge. The administrative law judge is an individual who has not had any involvement with this case. The administrative law judge will hear and make the final decision in the case without any communication, input or review by the Insurance Commissioner or staff or any other individual who has knowledge of the case. This administrative law judge's final decision may uphold or reverse the Commissioner's action or may instead impose any penalties which are less than those contained in the Order.

Option 2: If you elect, your hearing will be presided over by an administrative law judge from the Office of Administrative Hearings. That administrative law judge will issue an initial or recommended decision which will then be sent to the Insurance Commissioner. The Insurance Commissioner, or his designee, will review the initial decision and make the final decision. The Insurance Commissioner's final decision in the case may uphold, reverse or modify the initial decision, thereby changing the penalty which is recommended in the initial decision. In writing the final decision, the Insurance Commissioner is not bound by the findings of facts or conclusions of law which were made in the initial decision.