

**BEFORE THE COMMISSIONER OF INSURANCE
OF THE STATE OF KANSAS**

In the Matter of the Kansas)	
Resident Agent's License of)	Docket No. 2869-CO
KRISTINE K. COLE)	

CONSENT ORDER

Kristine K. Cole ("Cole") wishes to resolve this matter without formal adjudicative proceedings by entering into this Consent Order. The Commissioner of Insurance ("Commissioner") hereby makes the following findings of fact, conclusions of law and order, to-wit:

Findings of Fact

1. Records maintained by the Kansas Insurance Department ("KID") indicate that Cole is a resident of the State of Kansas, and has a current mailing address of 15907 W. 127th Street, Apt. #106, Olathe, Kansas 66062, and that he is licensed to transact the business of insurance as a resident insurance agent in the State of Kansas.

2. The Commissioner has jurisdiction over the subject matter of this proceeding and this proceeding is held in the public interest.

3. Cole was a secretary in the Darwin Couch Insurance Agency in Olathe, Kansas.

4. Cole misappropriated company funds by taking cash and shorting the deposits into the company cash collection account. The total amount was \$4,493.30.

5. No policy holders were affected by Cole's misappropriation. She has made full restitution to the company.

6. On March 6, 2000, all of Cole's appointments through the Darwin Couch Insurance Agency were terminated. She has not been certified or appointed to transact the business of insurance by any other insurance company.

Conclusions of Law

7. K.S.A. 1999 Supp. 40-241 provides in relevant part:

“...If the commissioner of insurance finds that the individual applicant is trustworthy, competent and has satisfactorily completed the examination, the commissioner shall forthwith issue to the applicant a license as an insurance agent but the issuance of such license shall confer no authority to transact business in this state until the agent has been certified by a company pursuant to K.S.A. 40-241i, and amendments thereto...”

8. K.S.A. 1999 Supp. 40-242 provides in relevant part:

(a) The commissioner of insurance may impose a penalty prescribed by subsection (e) or revoke or suspend the license of any...agent in the event that investigation by the commissioner discloses that:

(7) the interests of the insurer or the insurable interests of the public are not properly served under such license...

9. Based upon the information contained in paragraph 6 above, it appears that Cole has not been certified by a company and, therefore, has no authority to transact the business of insurance in the State of Kansas, in violation of K.S.A. 40-241.

10. Based upon the information contained in paragraphs 3 through 4 above, it appears that Kristine K. Cole obtained or exerted unauthorized control over property, to-wit: \$4,493.30, with the intent to deprive the agency, to-wit: Darwin Couch Insurance Agency, permanently of the possession, use or benefit of their money which reflects adversely on the agent's honesty, trustworthiness or fitness as an insurance agent in other respects and is contrary to the interests of the insurer or the insurable interests of the

public, and that such interests are not properly being served under the continued licensure of Kristine K. Cole, in violation of K.S.A. 1999 Supp. 40-242(7).

11. Based upon the information contained in paragraphs 3 through 4 above, it appears that sufficient evidence exists for the revocation or suspension of Kristine K. Cole's insurance agent license pursuant to K.S.A. 1999 Supp. 40-242, in accordance with the procedures set forth in the Kansas Administrative Procedure Act, K.S.A. 77-501, et seq., as amended.

12. Kristine K. Cole admits to the allegations set forth herein this order as described above.

13. For the purposes of this Consent Order, Kristine K. Cole waives his right to a formal adjudicative proceeding and notice thereof and voluntarily consents to the following order of the Commissioner of Insurance.

IT IS THEREFORE ORDERED BY THE COMMISSIONER OF INSURANCE THAT:

1. The Kansas resident insurance agent's license of Kristine K. Cole is hereby revoked and shall be surrendered to the Kansas Insurance Department forthwith, the receipt of which is hereby acknowledged.

IT IS SO ORDERED THIS 27th DAY OF APRIL 2000 IN THE CITY OF TOPEKA, COUNTY OF SHAWNEE, STATE OF KANSAS.



/s/ Kathleen Sebelius
Kathleen Sebelius
Commissioner of Insurance

BY:

/s/ Kathy Greenlee _____
Kathy J. Greenlee
General Counsel

/s/ Kristine K. Cole _____
Kristine K. Cole

SUBMITTED AND APPROVED BY:

/s/ JaLynn Copp _____
JaLynn Copp
Attorney for Petitioner
Kansas Insurance Department