

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

In the Matter of the Kansas)
Resident Agent's License)
of WALTER R. BACON, II)

Docket No. 2852-SO

FINAL ORDER

SUMMARY ORDER

**(Pursuant to K.S.A. 40-242(a)(6) and (7);
and K.S.A. 77-537)**

Effective: 4-30-01

Pursuant to the authority granted to the Commissioner of Insurance ("Commissioner") by K.S.A. 40-242(a), the Commissioner hereby revokes the Kansas resident insurance agent's license of Walter R. Bacon ("Bacon"), by way of Summary Order, as provided for by K.S.A. 1996 Supp. 77-537.

The Commissioner has been shown the following facts, and takes the following action:

1. Records maintained by the Kansas Insurance Department ("KID") indicate that Bacon is a resident of the State of Kansas, has a current mailing address of 15541 W. 140th Terrace, Olathe, Kansas, 66062, and that his license to transact the business of insurance as a resident insurance agent in the State of Kansas was terminated by his failure to comply with continuing education requirements.
2. Accordingly, the Commissioner has jurisdiction over Bacon and the subject matter of this proceeding, and such proceeding is held in the public interest.
3. On March 21, 2000, Bacon was found guilty of two counts of failure to remit premium, in Johnson County District Court, Case No. 99CR2973, and was placed on probation.

4. Bacon has failed or refused to notify the KID of the convictions described in paragraph 3 above.

Conclusions of Law

5. K.S.A. 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 broker or agent in the event that investigation by the commissioner discloses that:...

(6) the holder of such license has been convicted of a misdemeanor or felony involving fraud, deceit, dishonesty, intent to deprive or intent to defraud; or

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

(b) The imposition of a penalty, or the lapse or suspension of any license by operation of law, by failure to renew or by its voluntary surrender shall not deprive the commissioner of jurisdiction or right to institute or proceed with any disciplinary proceeding against such licensee, to render a decision suspending or revoking such license, or to establish and make a record of the facts of any violation of law for any lawful purpose....”

6. K.A.R. 40-7-9 provides, in relevant part:

“Each person licensed in this state as an insurance agent shall, within 30 days of occurrence, report to the commissioner of insurance:...

(d) all details of any conviction of a misdemeanor or felony. Details should include the name of the arresting agency, location and date of the arrest, nature of the charges, the court in which the case was tried, and the disposition rendered by the court. Minor traffic offenses may be omitted.”

7. Based on the information contained in paragraph 3 above, it appears that Bacon has been convicted of offenses involving fraud, deceit, dishonesty, intent to deprive or intent to defraud, all in violation of K.S.A. 40-242(a)(6).

8. Based on the information contained in paragraphs 3 and 4 above, it appears that Bacon has failed or refused to notify the KID of his felony convictions, all in violation of K.A.R. 40-7-9(d).

9. Based upon the information contained in paragraphs 3 and 4 above, it appears that the interests of the insurer and insurable interests of the public are not properly being served under Bacon's license, all in violation of K.S.A. 40-242(a)(7).

10. Accordingly, sufficient grounds exist for the revocation of the Kansas resident insurance agent's license of Walter R. Bacon, II, pursuant to K.S.A. 40-242(a).

11. Based on the facts and circumstances set forth hereinabove, it appears that the use of summary proceedings in the matter set forth herein does not violate any provisions of law, and the protection of the public interest does not require the KID to give notice and an opportunity to participate to persons other than Walter R. Bacon, II, all in accordance with the provisions set forth in K.S.A. 77-537(a).

IT IS THEREFORE ORDERED BY THE COMMISSIONER OF INSURANCE THAT:

1. The Kansas resident insurance agent's license of Walter R. Bacon, II is hereby revoked.

Notice and Opportunity for Hearing

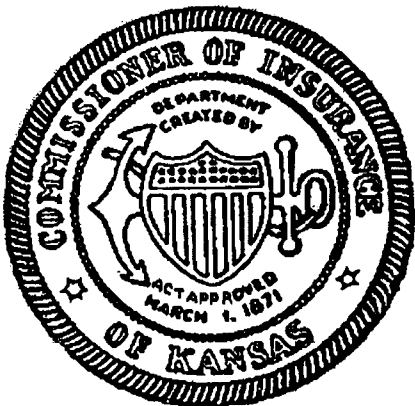
Walter R. Bacon, II may, within fifteen (15) days of service of this Summary Order, file with the KID a written request for a hearing on this Summary Order, as provided for by K.S.A. 77-542. If you desire a hearing, a written request must be made within the time prescribed to :

Kathy J. Greenlee
General Counsel
Kansas Insurance Department
420 S.W. 9th Street
Topeka, Kansas 66612-1678
(785)296-3071

If you do not request a hearing, this Summary Order shall become effective as a Final Order, without further notice, upon the expiration of the fifteen (15) day period for requesting a hearing.

Any costs incurred as a result of conducting any administrative hearing, authorized under the provisions of K.S.A. 40-242 shall be assessed against you, in accordance with provisions set forth in K.S.A. 40-242(c). Costs shall include witness fees, mileage allowances, any costs associated with the reproduction of documents which become a part of the hearing record, and the expense of making a record of the hearing.

**IT IS SO ORDERED THIS 10th DAY OF APRIL 2001 IN THE CITY
OF TOPEKA, COUNTY OF SHAWNEE, STATE OF KANSAS.**



Kathleen Sebelius

Kathleen Sebelius
Commissioner of Insurance

BY:


Kathy Greenlee

Kathy J. Greenlee
General Counsel

Certificate of Service

The undersigned hereby certifies that the above and foregoing Summary Order was served this 10th day of April 2001, by depositing the same in the United States Mail, first class postage prepaid, addressed to the following:

Walter R. Bacon, II
15541 W. 140th Terrace
Olathe, Kansas 66062

A handwritten signature in cursive script, appearing to read "Kathy J. Greenlee", written over a horizontal line.

Kathy J. Greenlee