

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

In the Matter of the Kansas Resident)
Insurance Agent's License of) Docket No. 3027-SO
THOMAS H. FAULKNER)

SUMMARY ORDER
(Pursuant to K.S.A. 1999 Supp. 40-242
and K.S.A. 77-537)

Pursuant to authority granted to the Commissioner of Insurance ("Commissioner") by K.S.A. 1999 Supp. 40-242, the Commissioner hereby revokes the license of Thomas H. Faulkner ("Faulkner"), by way of Summary Order, as provided by K.S.A. 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 Faulkner is a resident of the State of Kansas, and has a current mailing address of 3620 East 30 Avenue, Hutchinson, Kansas, 67502-8707, and that his license to transact the business of insurance as a resident of the State of Kansas was terminated by his failure to renew and to comply with continuing education requirements.
2. Accordingly, the Commissioner has jurisdiction over Faulkner and the subject matter of this proceeding, and such proceeding is held in the public interest.
3. That on August 6, 1999, Faulkner was convicted in Stafford County District Court of one (1) count of theft, a severity level 9, nonperson felony, in violation of K.S.A. 1999 Supp. 21-3701(a).

4. That Faulkner has failed or refused to notify the Kansas Insurance Department of his conviction of theft, a severity level 9, nonperson felony.

Conclusions of Law

5. 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 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 charge or charges, the court in which the case was tried, and the disposition rendered by the court. Minor traffic offenses may be omitted.”

7. Based upon the information contained in paragraph 3 above, it appears that Thomas H. Faulkner has been convicted of a felony involving fraud, deceit, dishonesty, intent to deprive or intent to defraud, in violation of K.S.A. 1999 Supp. 40-242(6).

8. Based upon the information contained in paragraph 4 above, it appears that Thomas H. Faulkner failed or refused to notify KID of his felony conviction, in violation of K.A.R. 40-7-9(d).

9. Based upon the information contained in paragraph 1 and 3 through 4 above, it appears that Thomas H. Faulkner has engaged in acts and practices in the business of insurance that are 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 Thomas H. Faulkner due to his felony conviction and termination of his license as a result of his failure to renew and comply with continuing education, all in violation of K.S.A. 1999 Supp. 40-242(7).

10. Accordingly, sufficient grounds exist for the revocation of the Kansas resident insurance agent's license of Thomas H. Faulkner, pursuant to K.S.A. 1999 Supp. 40-242.

11. Based upon the facts and circumstances set forth hereinabove, it appears that the use of summary proceedings in the manner set forth herein does not violate any provision of the law, and the protection of the public interest does not require KID to give notice and opportunity to participate to persons other than Thomas H. Faulkner, 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 Thomas H. Faulkner is hereby revoked.

Notice and Opportunity for Hearing

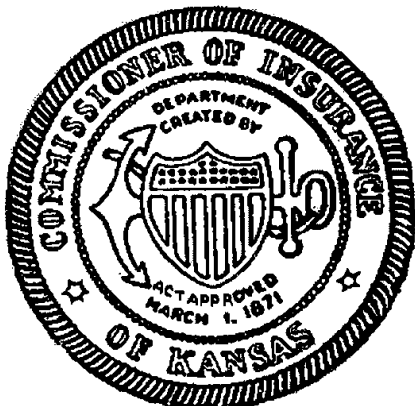
Thomas H. Faulkner, within fifteen (15) days of service of this Summary Order, may file with KID written request for a hearing on this Summary Order, as provided for by K.S.A. 77-542. In the event a hearing is requested, such request should be directed to:

Kathy Greenlee
General Counsel
Kansas Insurance Department
420 S.W. 9th Street
Topeka, Kansas 66612-1678

If a hearing is not requested, 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 an administrative hearing authorized under the provisions of K.S.A. 1999 Supp. 40-242 shall be assessed against the agent who is the subject of the hearing, as provided for under K.S.A. 1999 Supp. 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 31st DAY OF OCOTBER, 2001, IN THE CITY OF TOPEKA, COUNTY OF SHAWNEE, STATE OF KANSAS.



/s/ Kathleen Sebelius
Kathleen Sebelius
Commissioner of Insurance

BY:

/s/ Kathy Greenlee
Kathy Greenlee
General Counsel

Certificate of Service

The undersigned hereby certifies that the above and foregoing Summary Order was served this 31st day of October 2001, by depositing the same in the United States Mail, first class postage prepaid, addressed to the following:

Thomas H. Faulkner
3620 East 30 Avenue
Hutchinson, Kansas 67502-8707

/s/ Kathy Greenlee
Kathy Greenlee