

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

In the Matter of the Kansas Resident)
Insurance Agent's License) Docket No. 3053-SO
of JAMIE L. DICK)

SUMMARY ORDER
(Pursuant to K.S.A. 2001 40-4909
and K.S.A. 77-537)

Pursuant to authority granted to the Commissioner of Insurance ("Commissioner") by K.S.A. 2001 Supp. 40-4909, the Commissioner hereby revokes the license of Jamie L. Dick ("Dick"), 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 Dick is a resident of the State of Kansas, and has a current mailing address of 617 ½ E. Fifth – Basement, Hays, Kansas 67601, and that he is licensed to transact the business of insurance as a resident insurance agent in the State of Kansas.

2. Accordingly, the commissioner has jurisdiction over Dick and the subject matter of this proceeding, and such proceeding is held in the public interest.

3. On January 31, 2002, the KID received an application for license from Dick, certifying such application by signing it before a notary public, and swearing that all answers thereon were true and correct. She answered "No" to the question, "Have

you ever been convicted of, or are you currently charged with, committing a crime, whether or not adjudication was withheld?”

4. Based on the information contained in Dick’s application, she was issued a resident license to transact the business of insurance on January 31, 2002.

5. Information received by the KID, subsequent to Dick receiving her license, from the Kansas Bureau of Investigation (“KBI”) reveals that on or about May 28, 1998, she was convicted of theft, a class A nonperson misdemeanor, in Hays Municipal Court; and was arrested for worthless check, of which there was no disposition.

6. On February 7, 2002, LeRoy Brungardt (“Brungardt”), Director of Agents Division, sent a letter to Dick requesting her to furnish the KID with further details and circumstances surrounding the conviction listed in paragraph 5 above and why she did not disclose it when asked on the application. Additionally, Brungardt requested that Dick furnish details of the arrest listed in paragraph 5 above and the disposition of the case, if any. Dick did not respond.

7. On February 27, 2002, Brungardt sent another letter to Dick requesting the same information as that in paragraph 6 above.

8. On March 11, 2002, Dick responded to Brungardt’s letters. She explained the misdemeanor theft conviction and the arrest for worthless check. However, she did not address the reason they were not disclosed on the application, though she did state that it was not intentional.

9. Since the issuance of Dick’s license on January 31, 2002, she has not been certified or appointed to transact the business of insurance by any insurance companies.

Conclusions of Law

10. K.S.A. 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. 2001 Supp. 40-4912, and amendments thereto...”

11. K.S.A. 2001 Supp. 40-4909 provides in relevant part:

(a) The commissioner may...revoke...any license issued under this act if the commissioner finds that the...license holder has:

(1) Provided incorrect, misleading, incomplete or untrue information in the license application....

(3) Obtained or attempted to obtain a license under this act through misrepresentation or fraud....

(b) In addition, the commissioner may...revoke...any license issued under this act if the commissioner finds that the interests of the insurer or the insurable interests of the public are not properly served under such license.

12. Based upon the allegation contained in paragraph 9 above, it appears that Dick 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.

13. Based upon the allegations contained in paragraphs 3 through 8 above, it appears that Dick provided incorrect, misleading, incomplete or untrue information in her license application, in violation of K.S.A. 2001 Supp. 40-4909(a)(1).

14. Based upon the allegations contained in paragraphs 3 through 8 above, it appears that Dick obtained her license through misrepresentation or fraud, in violation of K.S.A. 2001 Supp. 40-4909(a)(3).

15. Based upon the allegations contained in paragraphs 3 through 8 above, it appears that the interests of the insurer and insurable interests of the public are not properly being served under Dick's license due to her providing incorrect, misleading, incomplete or untrue information in the application and she obtained the license through misrepresentation or fraud, in violation of K.S.A. 2001 Supp. 40-4909(b).

16. Accordingly, sufficient grounds exist for the revocation of the insurance agent's license of Jamie L. Dick, pursuant to K.S.A. 2001 Supp. 40-4909.

17. Based upon the facts and circumstance 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 the KID to give notice and opportunity to participate to persons other than Jamie L. Dick, 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 Jamie L. Dick is hereby revoked.

Notice and Opportunity for Hearing

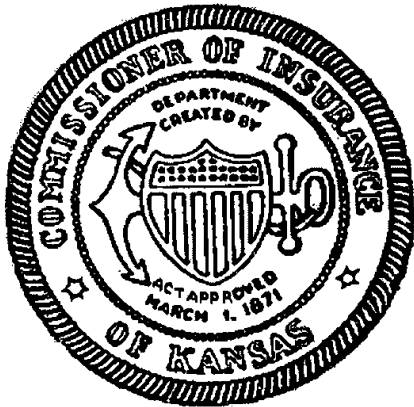
Jamie L. Dick, within fifteen (15) days of service of this Summary Order, may file with the KID written request for a hearing on this Summary Order, as provided for by K.S.A. 77-542. In the event a hearing is requested, such request should be directed to:

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

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 any administrative hearing authorized under the provisions of K.S.A. 2001 Supp. 40-4909 shall be assessed against the agent who is the subject of the hearing, as provided for under K.S.A. 2001 Supp. 40-4909(f). 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 16th DAY OF APRIL, 2002, IN THE CITY OF TOPEKA, COUNTY OF SHAWNEE, STATE OF KANSAS.



 /s/ Kathleen Sebelius
Kathleen Sebelius
Commissioner of Insurance

BY:

 /s/ Linda Sheppard
Linda Sheppard
Assistant General Counsel

Certificate of Service

The undersigned hereby certifies that the above and foregoing Summary Order was served this __16th_ day of April, 2002, by depositing the same in the United States Mail, first class postage prepaid, addressed to the following:

Jamie L. Dick
617 ½ E. Fifth Basement
Hays, Kansas 67601

_ /s/ Linda Sheppard _____
Linda Sheppard