

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

FINAL ORDER

Effective: 6/1/2002

In the Matter of the Kansas Resident)
Insurance Agent's License)
of TIMOTHY R. DETERS)

Docket No. 3064-SO

SUMMARY ORDER
(Pursuant to K.S.A. 2001 Supp. 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 Timothy R. Deters ("Deters"), 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 Deters is a resident of the State of Kansas, and has a current mailing address of Box 127B, Baileyville, Kansas 66404, 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 Deters and the subject matter of this proceeding, and such proceeding is held in the public interest.
3. On February 8, 2002, Deters was convicted in the United States District Court in the District of Kansas of one (1) count of making a false statement to a federally insured bank, a felony, in violation of 18 U.S.C. §1014.
4. Deters has failed or refused to notify the KID of his conviction of making a false statement to a federally insured bank, a felony.

Conclusions of Law

5. 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:...

(6) Been convicted of a misdemeanor or felony....

(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....”

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 Timothy R. Deters has been convicted of a felony, in violation of K.S.A. 2001 Supp. 40-4909(6).

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

9. Based upon the information contained in paragraphs 3 through 4 above, it appears the Timothy R. Deters has engaged in acts and practices 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 Timothy R. Deters due to his felony conviction, in violation of K.S.A. 2001 Supp. 40-4909(b).

10. Accordingly, sufficient grounds exist for the revocation of the Kansas resident insurance agent's license of Timothy R. Deters, pursuant to K.S.A. 2001 Supp. 40-4909.

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 the KID to give notice and opportunity to participate to persons other than Timothy R. Deters, 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 Timothy R. Deters is hereby revoked.

Notice and Opportunity for Hearing

Timothy R. Deters, 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:

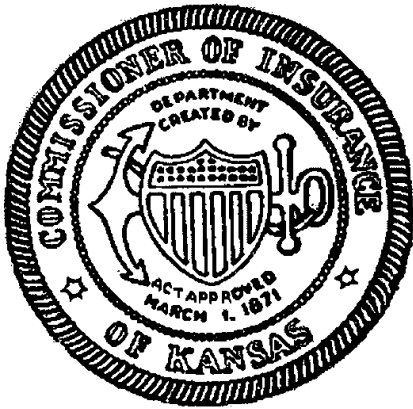
Kathy J. Greenlee
General Counsel
Kansas Insurance Department
420 S.W. 9th Street
Topeka, Kansas 66612

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 MAY, 2002, IN THE CITY OF TOPEKA, COUNTY OF SHAWNEE, STATE OF KANSAS.



_____/s/ Kathleen Sebelius_____
Kathleen Sebelius
Commissioner of Insurance

BY:

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

Certificate of Service

The undersigned hereby certifies that the above and foregoing Summary Order was served this _16th_ day of May, 2002, by depositing the same in the United States Mail, first class postage prepaid, addressed to the following:

Timothy R. Deters
Box 127B
Baileyville, Kansas 66404

_ /s/ Kathy J. Greenlee _____
Kathy J. Greenlee