

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

FINAL ORDER Effective: 12/19/2002

In the Matter of the Kansas Resident)	
Insurance Agent's License)	Docket No. 3091-RA
of STEPHEN F. DOCKERS)	

SUMMARY ORDER
**(Pursuant to L. 2002, Ch. 158, Sec. 21
and K.S.A. 77-537)**

Pursuant to authority granted to the Commissioner of Insurance ("Commissioner") by L. 2002, Ch. 158, Sec. 21, the Commissioner hereby revokes the license of Stephen F. Dockers ("Dockers"), 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 Dockers is a resident of the State of Kansas, and has a current mailing address of 2540 Capri, Wichita, Kansas 67210, 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 Dockers and the subject matter of this proceeding, and such proceeding is held in the public interest.
3. On August 6, 2001, Dockers was charged in Sedgwick County, Kansas District Court with one (1) count of theft, severity level 9, non-person felony, in violation of K.S.A. 21-3701(a)(1) or in the alternative with one (1) count of theft by deception, severity level 9, non-person felony, in violation of K.S.A. 21-3701(a)(2). Dockers, as a

bail bonds man, evidently collected property of the victim in the case to be used as security for a bond and then failed to return it at the conclusion of the case.

4. On February 25, 2002, Dockers was convicted in Sedgwick County, Kansas District Court of one (1) count of deceptive commercial practice, a class B nonperson misdemeanor, in violation of K.S.A. 21-4403. A deceptive commercial practice is the act, use or employment of any person of any deception, fraud, false pretense, false promise, or knowing misrepresentation of a material fact, with the intent that others shall rely thereon in connection with the sale of any merchandise, whether or not any person has in fact been misled, deceived or damaged thereby.

5. Dockers has failed or refused to notify the KID of his conviction of deceptive commercial practice, a class B nonperson misdemeanor.

Conclusions of Law

6. L. 2002, Ch. 158, Sec. 21 provides, in relevant part:

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

(2) Violated:

(A) Any provision of chapter 40 of the Kansas Statutes Annotated, and amendments thereto, or any rule and regulation promulgated thereunder;...

(4) Improperly withheld, misappropriated or converted any moneys or properties received in the course of doing insurance business....

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

(8) Used any fraudulent, coercive, or dishonest practice, or demonstrated any incompetence, untrustworthiness or financial irresponsibility in the conduct of business in this state or elsewhere....

(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....”

7. 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.”

8. Based upon the information contained in paragraph 5 above, it appears that Stephen F. Dockers has violated K.A.R. 40-7-9 by failing or refusing to notify the KID of his misdemeanor conviction, in violation of L. 2002, Ch. 158, Sec. 21(a)(2)(A).

9. Based upon the information contained in paragraphs 3 through 4 above, it appears that Stephen F. Dockers has improperly withheld, misappropriated or converted moneys or properties received in the course of doing insurance business, in violation of L. 2002, Ch. 158, Sec. 21(a)(4).

10. Based upon the information contained in paragraph 4 above, it appears that Stephen F. Dockers has been convicted of a misdemeanor, in violation of L. 2002, Ch. 158, Sec. 21(a)(6).

11. Based upon the information contained in paragraphs 3 through 4 above, it appears that Stephen F. Dockers used fraudulent, coercive, or dishonest practice, or demonstrated incompetence, untrustworthiness or financial irresponsibility in the conduct of business in this state or elsewhere, in violation of L. 2002, Ch. 158, Sec. 21(a)(8).

12. Based upon the information contained in paragraph 5 above, it appears that Stephen F. Dockers failed or refused to notify the KID of his misdemeanor conviction, in violation of K.A.R. 40-7-9(d).

13. Additionally, based upon the information contained in paragraphs 3 through 5 above, it appears that the interests of the insurer and insurable interests of the public are not properly being served under Dockers' license, in violation of L. 2002, Ch. 158, Sec. 21(b).

14. Accordingly, sufficient grounds exist for the revocation of the resident insurance agent's license of Stephen F. Dockers, pursuant to L. 2002, Ch. 158, Sec. 21.

15. 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 Stephen F. Dockers, 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 Stephen F. Dockers is hereby revoked.

Notice and Opportunity for Hearing

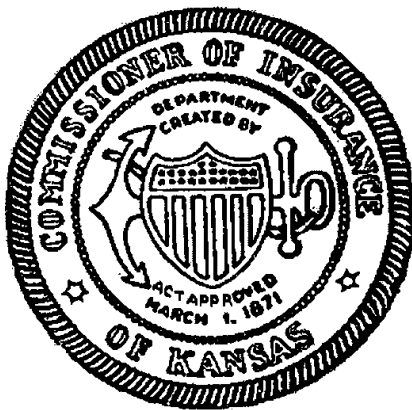
Stephen F. Dockers, within fifteen (15) days of service of this Summary Order, may file with the KID written request for a hearing on this Summary Order, as provided for by K.S.A. 77-542. In the event a hearing is requested, such request should be directed to:

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 provision of L. 2002, Ch. 158, Sec. 21 shall be assessed against the agent who is the subject of the hearing, as provided for under L. 2002, Ch. 158, Sec. 21(f). Costs shall include witness fees, mileage allowances, any costs associated with the reproduction of documents which become part of the hearing record and the expense of making a record of the hearing.

**IT IS SO ORDERED THIS __19th__ DAY OF SEPTEMBER 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 __19th__ day of September 2002, by depositing the same in the United States Mail, first class postage prepaid, addressed to the following:

Stephen F. Dockers
2540 Capri
Wichita, Kansas 67210

_/_s/ Kathy J. Greenlee _____
Kathy J. Greenlee