

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

FINAL ORDER

Effective: 03/01/03

In the Matter of the Kansas Resident)
Insurance Agent's License of)
WILBERT L. HOUSE)

Docket No. 3125-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, as amended by L. 2000, Ch. 158, § 21, the Commissioner hereby revokes the resident agent's license of Wilbert L. House ("House") by way of Summary Order as provided by K.S.A. 77-537.

Findings of Fact

The Commissioner has been shown the following facts:

1. Records maintained by the Kansas Insurance Department ("KID") indicate that House is licensed as a resident agent to transact the business of insurance in the State of Kansas. KID records further indicate a legal mailing address of 314 W. Sixth, Apt. 1, Hays, KS 67601.
2. Accordingly, the Commissioner has jurisdiction over House and the subject matter of this proceeding, and such proceeding is held in the public interest.
3. House was charged in the District Court of Ellis County with a total of twenty-two counts of theft. Law enforcement and KID investigations indicate that some, if not all, of the charges arose out of the conduct of insurance business.
4. Pursuant to a plea agreement, House entered pleas of no contest to three counts of felony theft, one misdemeanor charge of temporary deprivation of property, and three counts of

misdemeanor theft, to dispose of case numbers 01CRD-32, 01CRD-34, 01CRD-54, 01CRD-144, 01CRD-145, and 01-CRD-184, and was sentenced on May 14, 2001.

Conclusions of Law

5. K.S.A. 2001 Supp. 40-4909(a), as amended by L. 2002, Ch. 158, § 21, provides, in relevant part:

“The commissioner may deny suspend, revoke or refuse renewal of any license issued under this act if the commissioner finds that the applicant or license holder has . . . (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 . . . [or] (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.”

6. The Commissioner may revoke any license issued under the Insurance Agents Licensing Act if the Commissioner finds that the insurable interests of the public are not properly served under such license. K.S.A. 2001 Supp. 40-4909(b).

7. Based upon the information contained in paragraphs 3 through 4 above, the Commissioner finds that House has improperly withheld, misappropriated or converted moneys received in the course of doing insurance business, been convicted of multiple counts each of felony and misdemeanor theft, and has used fraudulent, coercive, or dishonest practices and demonstrated incompetence, untrustworthiness or financial irresponsibility in the conduct of business in this state.

8. Moreover, House’s license should be revoked pursuant to L. 2002, Ch. 158, § 21(a) for the protection of the insurable interests of the public.

9. Accordingly, the Commissioner finds that sufficient grounds exist for the revocation of the resident insurance agent’s license of Wilbert L. House.

10. Based on the facts and circumstances set forth herein, it appears that the use of summary proceedings in this matter is appropriate, in accordance with the provisions set forth in K.S.A. 77-537(a), in that the use of summary proceedings 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 Wilbert L. House.

IT IS THEREFORE ORDERED BY THE COMMISSIONER OF INSURANCE THAT the Kansas resident insurance agent's license of Wilbert L. House is hereby **REVOKED**.

Notice and Opportunity for Hearing

Wilbert L. House, 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 by K.S.A. 77-542. In the event a hearing is requested, such request should be directed to:

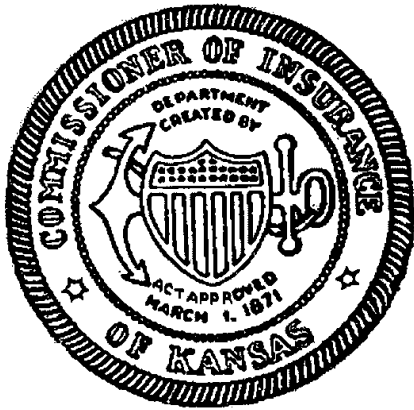
John W. Campbell
General Counsel
Kansas Insurance Department
420 S.W. 9th Street
Topeka, KS 66612

Any costs incurred as a result of conducting any administrative hearing shall be assessed against the agent who is the subject of the hearing as provided by 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.

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-day period for requesting a hearing.

The person designated pursuant to K.S.A. 77-613(e) to receive service of a petition for judicial review on behalf of the KID is John W. Campbell, General Counsel, Kansas Insurance Department, 420 S.W. 9th St., Topeka, KS 66612.

IT IS SO ORDERED THIS 11th DAY OF FEBRUARY, 2003, IN THE CITY OF TOPEKA, COUNTY OF SHAWNEE, STATE OF KANSAS.



_____/s/ Sandy Praeger_____
Sandy Praeger
Commissioner of Insurance
BY:

_____/s/ John W. Campbell_____
John W. Campbell
General Counsel

Certificate of Service

The undersigned hereby certifies that he served the above and foregoing Summary Order on this 11th day of February, 2003, by causing the same to be deposited in the United States Mail, first class postage prepaid, addressed to the following:

Wilbert L. House
314 W. Sixth, Apt. 1
Hays, KS 67601

_____/s/ John W. Campbell_____
John W. Campbell