

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

In the Matter of the Kansas Resident	)	
Insurance Agent's License of	)	Docket No. 3119-CO
STEPHEN M. WEBER	)	

**CONSENT ORDER**

Kansas resident insurance agent Steven M. Weber wishes to resolve this matter without formal adjudicative proceedings by entering into this consent order. Having been advised of his right to a hearing prior to the issuance of an order, Weber stipulates to the following facts, upon which the Commissioner of Insurance ("Commissioner") bases her conclusions of law and issues the order, and Weber voluntarily waives hearing and review of the order.

**Facts**

1. Records maintained by the Kansas Insurance Department ("KID") indicate that Weber is a resident of the State of Kansas, has a current mailing address of 519 N 900 Road, Lawrence, KS 66047, and was licensed as a resident agent to transact the business of insurance in the State of Kansas until voluntarily surrendering his license.
2. By letter dated December 17, 2002, Weber voluntarily surrendered his license.
3. Weber admits having diverted premium payments to his personal use.
4. Pursuant to a settlement agreement with his employer, Weber resigned his employment and agreed to surrender his license. In addition, the agreement provided, *inter alia*, that Weber would cooperate in identifying accounts affected by the diversion of funds and, upon signing of the agreement, make restitution to the agency to provide for diverted items, claims reserved, other known losses, and a contingency for future items.

### **Conclusions of Law**

5. K.S.A. 2001 Supp. 40-4909(a) provides, in relevant part:

“The commissioner may 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 . . . [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. The licensee’s voluntary surrender of a license does not deprive the Commissioner of jurisdiction to proceed with disciplinary action or revoke the license. K.S.A. 2001 Supp. 40-4909(e).
8. Based upon the agreed facts contained in paragraphs 3 through 4 above, the Commissioner finds that Weber has improperly withheld, misappropriated, or converted premium moneys in the course of doing insurance business and has used a dishonest practice and demonstrated untrustworthiness and financial irresponsibility in the conduct of business in this state in violation of K.S.A. 2001 Supp. 40-4909(a)(4) and (a)(8).

9. Accordingly, the Commissioner finds that sufficient grounds exist for the revocation of the resident insurance agent's license of Stephen M. Weber.

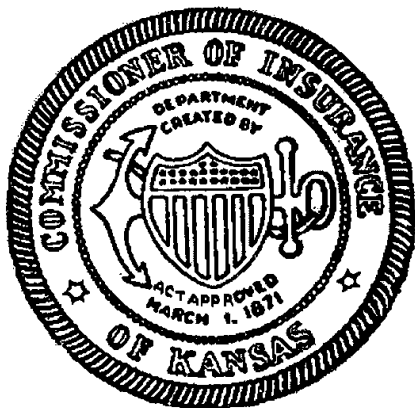
**IT IS THEREFORE ORDERED BY THE COMMISSIONER OF INSURANCE THAT the Kansas resident insurance agent's license of Stephen M. Weber is hereby REVOKED.**

**Notice of Final Agency Action and Judicial Review**

The issuance of this Consent Order constitutes final agency action in this matter. Accordingly, all administrative remedies available to the Petitioner are hereby deemed exhausted.

A petition for judicial review may be served within thirty (30) days of service of a final order, as provided for by K.S.A. 77-613. The agency officer to be served on behalf of the Kansas Insurance Department is: John W. Campbell, General Counsel, Kansas Insurance Department, 420 S.W. 9<sup>th</sup> Street, Topeka, Kansas 66612-1678.

**IT IS SO ORDERED THIS 28th DAY OF FEBRUARY, 2003, IN THE CITY OF TOPEKA, COUNTY OF SHAWNEE, STATE OF KANSAS.**



\_\_\_\_\_/s/ Sandy Praeger  
Sandy Praeger  
Commissioner of Insurance

\_\_\_\_\_/s/ John W. Campbell  
By: John W. Campbell  
General Counsel  
Kansas Insurance Department

/s/ Stephen M. Weber \_\_\_\_\_  
Stephen M. Weber

Submitted and approved by:

/s/ Brenda J. Clary \_\_\_\_\_  
Brenda J. Clary  
Staff Attorney

### **Certificate of Service**

The undersigned hereby certifies that she served the above and foregoing Consent Order on this 28th day of February, 2003, by causing the same to be deposited in the United States Mail, first class postage prepaid, addressed to the following:

Stephen N. Six, Esq.  
Shamberg, Johnson & Bergman  
2600 Grand Blvd. Suite 550  
Kansas City, Missouri 64108

Stephen M. Weber  
519 N 900 Road  
Lawrence, KS 66047

/s/ Brenda J. Clary \_\_\_\_\_  
Brenda J. Clary  
Staff Attorney