

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

|                                      |   |                    |
|--------------------------------------|---|--------------------|
| In the Matter of the Kansas Resident | ) |                    |
| Insurance Agent's License of         | ) | Docket No. 3162-SO |
| ROBERT W. MICKELSON                  | ) |                    |

**CONSENT ORDER**

The Kansas Insurance Department ("KID") and resident insurance agent Robert W. Mickelson ("Mickelson") wish to resolve allegations of misconduct 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, Mickelson stipulates to the following facts, upon which the Commissioner of Insurance ("Commissioner") bases her conclusions of law and issues the order, and Mickelson voluntarily waives hearing and review of the order.

**Findings of Fact**

1. Records maintained by the Kansas Insurance Department ("KID") indicate that Mickelson is licensed as a resident agent to transact the business of insurance in the State of Kansas and has been so licensed since August 5, 1998. KID records further indicate a legal and mailing address of 511 East 16<sup>th</sup>, Ellis, KS 67637.
2. According to Linda Kolega, Agency Services Analyst, American Family Insurance Group ("American Family"), Mickelson was terminated for cause on March 30, 2002.
3. American Family provided documentary evidence to KID showing that Mickelson received premium payments totaling \$2962.98 from seven consumers and failed to submit the payments to the company.

4. Upon discovery of the failure to pay premium, American Family charged Mickelson's account and issued or renewed the seven policies.

5. As of May 20, 2003, the account debt to American Family remained unpaid.

6. Subsequently, Mickelson acknowledged to KID staff that he resigned when cause existed for his termination. He admitted to inadequate bookkeeping and failure to monitor business correspondence but denied knowingly failing to remit premium to the company. In addition, he expressed the intent to make immediate restitution to American Family.

### **Applicable Law**

7. K.S.A. 2002 Supp. 40-4909(a) 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. . . . (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.” K.S.A. 2002 Supp. 40-4909(a).

8. 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. 2002 Supp. 40-4909(b).

### **Conclusions of Law**

9. The Commissioner has jurisdiction over Mickelson as well as the subject matter of this proceeding, and such proceeding is held in the public interest.

10. The Commissioner finds that good cause exists to revoke or suspend Mickelson's insurance agent's license in that documentary evidence shows that Mickelson received money in the course of doing insurance business and failed to pay the same over to the company.

11. The Commissioner finds that good cause exists to revoke or suspend Mickelson's license in that his conduct, at a minimum, demonstrates incompetence, untrustworthiness, or financial irresponsibility in the conduct of business.

12. The Commissioner concludes that Mickelson's license should be revoked or suspended pursuant to K.S.A. 2002 Supp. 40-4909(b) for the protection of the insurable interests of the public.

**IT IS THEREFORE ORDERED BY THE COMMISSIONER OF INSURANCE THAT** the Kansas resident insurance agent's license of Robert W. Mickelson is hereby **INDEFINITELY SUSPENDED** until such time as Mickelson can demonstrate full restitution to American Family, a commitment to conducting himself honestly and competently in the business of insurance, and adequate accounting safeguards to assure prompt transmission of applications and premium to any and all companies for which he transacts business.

This order shall constitute a final agency action on the date it is signed by the Commissioner or her designee.

In the event the Petitioner desires to file a petition for judicial review, the agency officer 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. 9<sup>th</sup> St., Topeka, KS 66612-1678.

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

Submitted and approved by:

## Certificate of Service

Robert W. Mickelson  
511 East 16<sup>th</sup>  
Ellis, KS 67637

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