

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

**FINAL ORDER**

Effective: 05/19/03

In the Matter of the Kansas Resident	)	
Insurance Agent's License of	)	Docket No. 3145-SO
CRAIG A. WILLETT	)	

**SUMMARY ORDER**

(Pursuant to K.S.A. 2002 Supp. 40-4909 and K.S.A. 77-537)

Pursuant to authority granted to the Commissioner of Insurance ("Commissioner") by K.S.A. 2002 Supp. 40-4909, the Commissioner hereby revokes the resident agent's license of Craig A. Willett ("Willett") by way of Summary Order as provided by K.S.A. 77-537.

**Findings of Fact**

1. Records maintained by the Kansas Insurance Department ("KID") indicate that Willett is licensed as a resident agent to transact the business of insurance in the State of Kansas. KID records further indicate a legal and mailing address of 225 Dogwood Ct., Andover, KS 67002.

2. According to a Wichita Police Department incident report and attached documents, Willett admitted converting insurance premium to his own use between June 2002 and September 30, 2002, and signed a statement to that effect.

3. According to the company's audit, taking into account a partial reimbursement of \$4000, Willet failed to remit to the company \$20,077.94 in premium between June 2002 and September 30, 2002.

4. The matter has been referred to the Sedgwick County District Attorney's Office for criminal prosecution.

**Applicable Law**

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

6. An agent’s failure to pay premium to a company is a criminal offense defined under chapter 40 of the Kansas Statutes Annotated. K.S.A. 40-247. If the value of the premium is between \$500 and \$25,000, the offense is a severity level 9, nonperson felony.

7. 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**

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

9. The Commissioner finds that good cause exists to revoke Willett’s insurance agent’s license in that Willett has admitted to receiving money in the course of doing insurance business and improperly converting it to his own use.

10. The Commissioner finds that good cause exists to revoke Willett’s license in that his conduct constitutes a fraudulent or dishonest practice and demonstrates incompetence, untrustworthiness, and financial irresponsibility in the conduct of business.

11. The Commissioner further finds that, although Willett has not yet been convicted of the offense, he has admitted to the essential elements of a felony defined under chapter 40 of the Kansas Statutes Annotated and faces prosecution.

12. The Commissioner concludes that Willett's license should be revoked without delay for the protection of the insurable interests of the public.

13. 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 Craig A. Willett.

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

**Notice and Opportunity for Hearing**

Craig A. Willett, 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. 9<sup>th</sup> Street  
Topeka, KS 66612

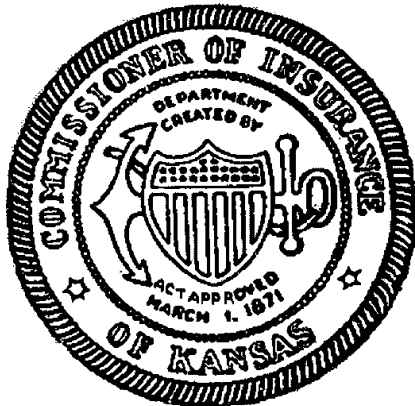
Any costs incurred as a result of conducting any administrative hearing shall be assessed against the agent who is the subject of the hearing as provided by K.S.A. 40-4909(f). Costs shall include witness fees, mileage allowances, any costs associated with the reproduction of documents which become part 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 Final Order will constitute final agency action in this matter.

In the event the Petitioner files 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.

**IT IS SO ORDERED THIS \_30<sup>th</sup>\_ DAY OF APRIL, 2003, IN THE CITY OF TOPEKA, COUNTY OF SHAWNEE, STATE OF KANSAS.**



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/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 \_30<sup>th</sup>\_ day of April, 2003, by causing the same to be deposited in the United States Mail, first class postage prepaid, addressed to the following:

Craig A. Willett  
225 Dogwood Ct.  
Andover, KS 67002

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/s/ John W. Campbell  
John W. Campbell