

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

FINAL ORDER

Effective: 09/29/03

In the Matter of the Kansas Nonresident)
Insurance Agent's License of) Docket No. 3205-SO
JOSEPH LOPEZ-WILSON)

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 nonresident agent's license of Joseph Lopez-Wilson ("Lopez-Wilson") 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 Lopez-Wilson is licensed as a nonresident agent to transact the business of insurance in the State of Kansas, and has been so licensed since August 12, 2002. KID records further indicate a legal and mailing address of 1004 Day Drive, Bellevue, NE 68005.
2. Lopez-Wilson's application for Kansas license, dated July 23, 2002, fully disclosed a suspension from the practice of law in Nebraska until September 28, 2003, but showed no other disciplinary actions.
3. A Kansas nonresident insurance agent's license was issued despite the suspension.
4. The National Association of Insurance Commissioners ("NAIC") Regulatory Information Retrieval System ("RIRS") database reflects that Lopez-Wilson was subsequently denied licenses in Louisiana, Wisconsin, California, and Virginia. In addition, RIRS shows that

Lopez-Wilson was licensed in Iowa but entered into a consent order imposing a two-year probation, effective October 10, 2002, and his South Dakota insurance agent's license was suspended, effective November 14, 2002, because of coercive conduct in the course of business.

5. By letter of May 14, 2003, the KID made demand upon Lopez-Wilson for an explanation of the action.

6. By letter of May 29, 2003, Lopez-Wilson responded that the California, Wisconsin, and Louisiana actions were denials, and that the South Dakota license had also not been issued.

7. Subsequently, RIRS indicated that Lopez-Wilson's Oklahoma insurance agent's license had been revoked, effective July 16, 2003, for failure to comply with a previous order.

8. To date, neither the Virginia denial nor the Oklahoma revocation has been reported to KID.

Applicable Law

9. 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 . . . (9) Had an insurance agent license, or its equivalent, denied, suspended or revoked in any other state, district or territory.” K.S.A. 2002 Supp. 40-4909(a).

10. Administrative regulations require that a person licensed in this state as an insurance agent shall, within 30 days of the occurrence, report enumerated events to the Commissioner. K.A.R. § 40-7-9. Among these events is “disciplinary action on the agent's license or licenses” by the insurance regulatory official of any other state or territory. K.A.R. § 40-7-9(a).

11. 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

12. The Commissioner has jurisdiction over Lopez-Wilson as well as the subject matter of this proceeding, and such proceeding is held in the public interest.

13. The Commissioner finds that Lopez-Wilson has had an insurance agent's license denied, suspended, revoked, or issued only provisionally in seven other states.

14. The Commissioner also finds that Lopez-Wilson violated K.A.R. § 40-7-9(a) in failing to report denials of or restrictions on a license in six states within 30 days of the occurrences and that the first five violations may be excused as inadvertent technical violations.

15. However, the Commissioner also finds that Lopez-Wilson twice violated the administrative regulation requiring a licensed agent to report disciplinary action within three months after having been advised in the May 14, 2003, letter of his obligation to report such actions.

16. In addition, the Commissioner finds that Lopez-Wilson failed to disclose an order, violation of which resulted in revocation, as well as revocation of his Oklahoma license license.

17. Accordingly, the Commissioner concludes that sufficient grounds exist for the revocation of the insurance agent's license of Joseph Lopez-Wilson pursuant to K.S.A. 2002 Supp. 40-4909(a).

18. Moreover, the Commissioner finds that the insurable interests of the public are not properly served under Lopez-Wilson's insurance agent's license, and the license should be revoked pursuant to K.S.A. 2002 Supp. 40-4909(b).

19. 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 Joseph Lopez-Wilson.

IT IS THEREFORE ORDERED BY THE COMMISSIONER OF INSURANCE THAT the Kansas nonresident insurance agent's license of Joseph Lopez-Wilson is hereby **REVOKED.**

Notice and Opportunity for Hearing

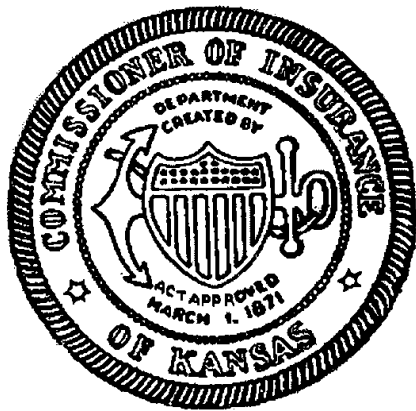
Joseph Lopez-Wilson, within fifteen (15) days of service of this Summary Order, may file with the KID written request for a hearing on this Summary Order, as provided by K.S.A. 77-542. In the event a hearing is requested, such request should be directed to John W. Campbell, General Counsel, Kansas Insurance 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 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. 9th St., Topeka, KS 66612-1678.

IT IS SO ORDERED THIS 11th DAY OF SEPTEMBER, 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 she served the above and foregoing Summary Order on this 11th day of September, 2003, by causing the same to be deposited in the United States Mail, first class postage prepaid, addressed to the following:

Joseph Lopez-Wilson
1004 Day Drive
Bellevue, NE 68005

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