

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

FINAL ORDER

Effective: 11/14/03

In the Matter of the Kansas Resident)	
Insurance Agent's License of)	Docket No. 3191-SO
KIMBERLY SISAK)	

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 Kimberly Sisak ("Sisak") 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 Sisak is licensed as a resident agent to transact the business of insurance in the State of Kansas and has been so licensed since June 5, 2002. KID records further indicate a legal and mailing address of 905 North Colorado, Wichita, KS 67212.

2. According to Matt Bamber, Internal Audit Supervisor, Farmers Insurance Group, Sisak, while employed as a customer service representative for the Duane Desmarteau Agency, manipulated policy information in the computer system to generate 13 refund checks mailed to her address. She then forged the customer's endorsement and deposited the checks into her personal account.

3. As a result of the Farmers investigation, Sisak was charged in Sedgwick County District Court, Case No. 03-CR-738, with 13 counts of forgery. Sisak pled guilty on all 13 counts and was sentenced on September 18, 2003, to 18 months of probation and ordered to pay \$5000 in restitution.

Applicable Law

4. 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 . . . (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).

5. 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

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

7. The Commissioner finds that good cause exists to revoke Sisak’s insurance agent’s license pursuant to K.S.A. 2002 Supp. 40-4909(a) in that Sisak was convicted of a misdemeanor or felony.

8. Moreover, the Commissioner finds that the crimes of conviction were committed in the course of the business of insurance.

9. Therefore, the Commissioner finds that good cause exists to revoke Sisak’s license pursuant to K.S.A. 2002 Supp. 40-4909(a) in that her conduct constitutes a fraudulent or dishonest practice and demonstrates untrustworthiness and financial irresponsibility in the conduct of business.

10. The Commissioner concludes that Sisak’s license should be revoked without delay pursuant to K.S.A. 2002 Supp. 40-4909(b) for the protection of the insurable interests of the public.

11. 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 Kimberly Sisak.

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

Notice and Opportunity for Hearing

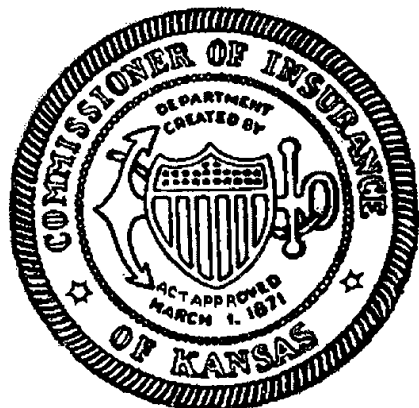
Kimberly Sisak, within fifteen (15) days of service of this Summary Order, may file with the KID written request for a hearing on this Summary Order, as provided by K.S.A. 77-542. In the event a hearing is requested, such request should be directed to:

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.

IT IS SO ORDERED THIS 27th DAY OF OCTOBER 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

NOTICE: 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.

Certificate of Service

The undersigned hereby certifies that She served a true and correct copy of the above and foregoing **Summary Order** on this 27th day of October 2003, by causing the same to be deposited in the United States Mail, first class postage prepaid, addressed to the following:

Kimberly Sisak
905 North Colorado
Wichita, KS 67212

/s/ John W. Campbell
John W. Campbell