

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

FINAL ORDER

Effective: 10/27/03

In the Matter of the Kansas Resident)	
Insurance Agent's License of)	Docket No. 3219-CO
SOOK SIYAJUCK)	

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 Sook Siyajuck ("Siyajuck") by way of Summary Order as provided by K.S.A. 77-537.

Facts

1. Records maintained by the Kansas Insurance Department ("KID") indicate that Siyajuck is licensed as a resident agent to transact the business of insurance in the State of Kansas and has been so licensed since July 23, 2003. KID records further indicate a legal and mailing address of 23623 West 58th St., Shawnee, KS 66226.

2. Siyajuck submitted a "clean" application for license, denying any pending criminal charges or prior convictions, dated July 22, 2003.

3. In signing the application, Siyajuck certified that all of the information was true and complete and that he was "aware that submitting false information or omitting pertinent or material information in connection with this application is grounds for license revocation or denial of the license" and could subject him to civil or criminal penalties.

4. Subsequently, a criminal history check revealed that Siyajuck was convicted of misdemeanor theft on September 9, 1997, in Manhattan, Kansas, Municipal Court.

5. In response to KID inquiries, Siyajuck provided a copy of the journal entry showing Siyajuck's conviction and sentence to a fine of \$100 and nine months of probation with an underlying jail sentence of thirty days. No additional facts were documented.

6. Siyajuck states that he shoplifted a pack of cigarettes on a dare when he was a college student and was caught.

7. Siyajuck states that he did not believe it would appear on his record and "honestly did not even think about it" when he submitted the application.

Applicable Law

8. 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: (1) Provided incorrect, misleading, incomplete or untrue information in the license application. . . . (3) Obtained or attempted to obtain a license under this act by misrepresentation or fraud. . . . (6) Been convicted of a misdemeanor or felony. . . ." K.S.A. 2002 Supp. 40-4909(a).

9. 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

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

11. The Commissioner finds that good cause exists pursuant to K.S.A. 2002 Supp. 40-4909(a)(6) to revoke or suspend Siyajuck's insurance agent's license solely because Siyajuck has been convicted of theft.

12. In addition, the Commissioner finds that Siyajuck omitted material information from his application, which provides additional grounds to revoke or suspend the license pursuant to K.S.A. 2002 Supp. 40-4909(a)(1) and (3).

13. The Commissioner finds that omission of the misdemeanor conviction demonstrated either carelessness or dishonesty, either of which reflects negatively on Siyajuck's fitness to hold a license and would provide cause to revoke the license pursuant to K.S.A. 2002 Supp. 40-4909(b) for the protection of the insurable interests of the public.

14. 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 Sook Siyajuck.

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

Notice and Opportunity for Hearing

Sook Siyajuck 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

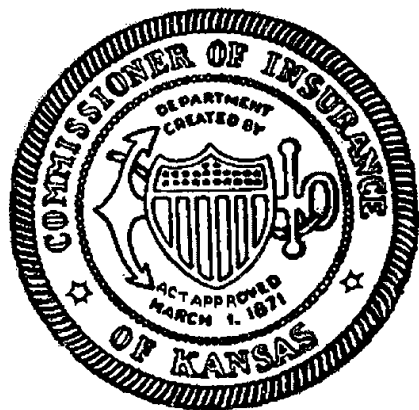
Any costs incurred as a result of conducting any administrative hearing shall be assessed against the agent who is the subject of the hearing as provided by K.S.A. 40-4909(f). Costs shall

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 9th 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 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. 9th St., Topeka, KS 66612-1678.

Certificate of Service

The undersigned hereby certifies that she served the above and foregoing Consent Order on this 9th day of October 2003, by causing the same to be deposited in the United States Mail, first class postage prepaid, addressed to the following:

Sook Siyajuck
23623 West 58th St.
Shawnee, KS 66226

 /s/ Brenda J. Clary
Brenda J. Clary