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OCT 14 2004

COMMISSIONER OF INSURANCE  
STATE OF KANSAS

**Sandy Praeger** COMMISSIONER OF INSURANCE

September 27, 2004

LINDA M. DIFOLCO  
34790 METCALF  
LOUISBURG, KS 66053

**Docket No. 3388-A**

Re: Excess/Surplus Lines Reporting Requirements; Failure to File

Dear Agent:

Kansas Insurance Department (KID) records indicate that you were licensed as an excess lines agent during all or part of the 2003 tax year and have not yet filed the information required by K.S.A. 40-246c. KID records also indicate that information and a reminder were directed to you by email on December 19, 2003, and February 25, 2004. The deadline for filing information and paying any premium tax due for 2003 was March 1, 2004.

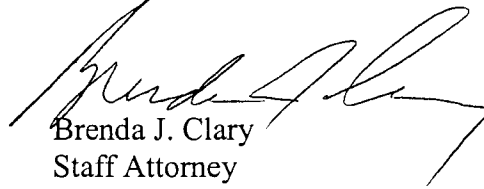
Whether you placed excess lines coverage on Kansas risks during the year or not, you are required to file the affidavit, which can be accessed through the KID website. If you did place business, you must file Form ELAS electronically. If you need that form, you may contact KID at [exlines@ksinsurance.org](mailto:exlines@ksinsurance.org), 785-296-7832, or 785-291-3454. If you dispute KID's records, please contact Pete Tavares by email ([ptavares@ksinsurance.org](mailto:ptavares@ksinsurance.org)) or telephone (296-7832).

By this letter, you are directed to file the required affidavit and, if required, file Form ELAS and pay any tax due without delay. In addition, a penalty of the greater of \$500 or 100% of the amount of the premium tax is due. If you have not complied or requested a hearing by the close of business on the 15<sup>th</sup> day after the date of this letter (or the first business day following the 15<sup>th</sup> day if the 15<sup>th</sup> day is not a business day), your Kansas insurance agent's license will be suspended until such time as you file the appropriate forms, pay any premium tax due, and pay the full amount of the penalty. Unless you request a hearing, this letter will become a final agency action at close of business on the 15<sup>th</sup> day after the date of this letter.

You may direct a written request for hearing to John W. Campbell, General Counsel, Kansas Insurance Department, 420 SW 9<sup>th</sup> Street, Topeka, KS 66612. Mr.

Campbell is also the agency officer designated pursuant to K.S.A. 77-613(e) to receive service on behalf of KID of a petition for judicial review.

Sincerely,

A handwritten signature in black ink, appearing to read "Brenda J. Clary". The signature is fluid and cursive, with a long horizontal stroke at the end.

Brenda J. Clary  
Staff Attorney

Cc: Pete Tavares  
LeRoy Brungardt