

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

FINAL ORDER

Effective: 03/30/04

In the Matter of the Kansas Nonresident)
Insurance Agent's License of)
COREY E. EVANS) Docket No. 3289-SO

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. 2003 Supp. 40-4909, the Commissioner hereby revokes the resident agent's license of Corey E. Evans ("Evans") 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 Evans is licensed as a resident agent to transact the business of insurance in the State of Kansas and has been so licensed since November 10, 2003. KID records indicate a current legal and mailing address of 7308 East Lincoln, Wichita, KS 67207.
2. KID records further indicate that Evans submitted a "clean" application, denying any criminal conviction or current criminal charges, dated November 6, 2003.
3. Evans signed the application under the certification and attestation, which stated in relevant part, "I hereby certify that, under penalty of perjury, all of the information submitted in this application and attachments is true and complete. I am 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 may subject me to civil or criminal penalties."

4. KID issued a license based on the “clean application.”
5. KID subsequently obtained a Kansas Bureau of Investigation (“KBI”) criminal history report for Evans that disclosed a conviction of misdemeanor theft on December 7, 1994, in Wichita Municipal Court Case Number 134236.
6. By letter dated November 18, 2003, KID requested documents and additional information regarding the offense by December 4.
7. On November 21, 2003, Evans telephoned the Agents Division requesting additional time to provide information.
8. By letter dated December 17, 2003, LeRoy F. Brungardt, Director, Agents Division, extended the time for reply to December 31, 2003.
9. To date, KID has not received additional information.

Applicable Law

10. K.S.A. 2003 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 through misrepresentation or fraud . . . (6) Been convicted of a misdemeanor or felony . . . [or] (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.”
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. 2003 Supp. 40-4909(b).

Conclusions of Law

12. The Commissioner has jurisdiction over Evans and the subject matter of this proceeding, and such proceeding is held in the public interest.

13. Based upon the facts contained in paragraph 5 above, the Commissioner finds that Evans has been convicted of misdemeanor theft.

14. Based upon the facts contained in paragraphs 2, 3, and 5 above, the Commissioner concludes that Evans provided false and incomplete information on her license application.

15. Based on the same facts plus the information contained in paragraph 4 above, the Commissioner further concludes that Evans obtained her Kansas license through a material misrepresentation by denying any felony or misdemeanor convictions and omitting the conviction of theft from her application for a Kansas license.

16. The Commissioner finds that good cause exists pursuant to K.S.A. 2003 Supp 40-4909(a) to revoke the Kansas resident insurance agent's license of Corey E. Evans.

17. In addition, based upon the existence and nature of the offense, the material omission from the application, and Evans' failure to provide additional information as requested, the Commissioner finds that Evans' offenses are of a type that reflects negatively and directly upon her fitness to engage in the business of insurance, the insurable interests of the public are not properly served under the resident insurance agent's license of Lisa M. Frazier, and the license should be revoked pursuant to K.S.A. 2003 Supp. 40-4909(b).

18. 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 Corey E. Evans.

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

Notice and Opportunity for Hearing

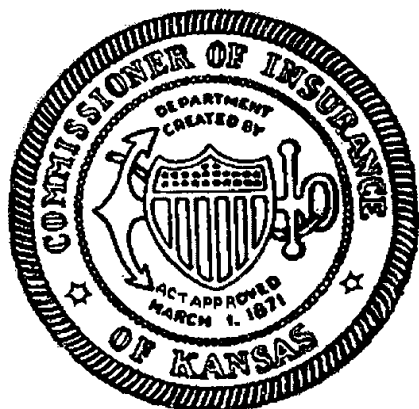
Corey E. Evans, within fifteen (15) days of service of this Summary Order, may file with the KID written request for a hearing on this Summary Order, as provided by K.S.A. 77-542. In the event a hearing is requested, such request should be directed to:

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. 2002 Supp. 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.

IT IS SO ORDERED THIS 12th DAY OF MARCH 2004, 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: The person 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.

Certificate of Service

The undersigned hereby certifies that he served the above and foregoing Summary Order on this _12th_ day of March 2004, by causing the same to be deposited in the United States Mail, first class postage prepaid, addressed to the following:

Corey E. Evans
7308 East Lincoln
Wichita, KS 67207

/s/ Brenda J. Clary _____
Brenda J. Clary