

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

FINAL ORDER

Effective: 01/05/04

In the Matter of the Kansas Nonresident)	
Insurance Agent's License of)	Docket No. 3245-SO
KEVIN J. KING)	

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 Kevin J. King ("King") 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 King was licensed as a nonresident agent to transact the business of insurance in the State of Kansas from September 1, 2000, until the license was suspended on August 24, 2003, for failure to comply with continuing education requirements and terminated by operation of law on November 24, 2003.

2. KID records further indicate a legal and mailing address of 923 W. Emmaus Avenue, #1, Allentown, PA 18103.

3. KID records also reflect that on February 19, 2003, King self-reported a conviction of simple assault and a sentence of 24 months of probation.

4. The National Association of Insurance Commissioners ("NAIC") Regulatory Information Retrieval System ("RIRS") database reflects the following information: King's producer license was revoked in California, effective August 20, 2003, as a result of criminal proceedings after having been placed on probation in April 2002 for a criminal conviction, other

state action, and failure to report other state action; King was assessed a monetary penalty in Indiana on October 17, 2001, for criminal history and failure to make required disclosure on license application; and he was assessed a monetary penalty in Mississippi on August 9, 2001, for misstatement on application.

5. By letters of September 24 and October 10, 2003, the KID attempted to contact King for an explanation of the disciplinary actions.

6. By letter of October 23, 2003, KID again requested details of the administrative disciplinary actions and advised King that if he failed to reply by November 7, 2003, action would be initiated to revoke his Kansas nonresident insurance agent's license.

7. To date, the KID has not received notice from King of the disciplinary actions, returned mail, or notice of a change of address.

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 . . . (2) Violated: (A) Any provision of chapter 40 of the Kansas Statutes Annotated, and amendments thereto, or any rule and regulation promulgated thereunder . . . (6) Been convicted of a misdemeanor or felony . . . (8) . . . demonstrated any incompetence, untrustworthiness or financial irresponsibility in the conduct of business in this state or elsewhere . . . (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).

9. Lapse or suspension of the license by operation of law or failure to renew the license does not deprive the Commissioner of jurisdiction to proceed with a disciplinary action. K.S.A. 2002 Supp. 40-4909(e).

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. Among these events are criminal convictions, disciplinary action against the

agent's license by the insurance regulatory official of any other state or territory, and a change of address. K.A.R. § 40-7-9.

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 King as well as the subject matter of this proceeding, and such proceeding is held in the public interest.

13. The Commissioner finds that King's license may be revoked because King has committed multiple violations of the administrative regulation requiring a licensed agent to report criminal convictions, disciplinary action by other states, or a change of address within 30 days.

14. The Commissioner finds that King's license may be revoked because King has been convicted of a misdemeanor or felony.

15. The Commissioner finds that King's license may be revoked because King has had an insurance agent's license revoked in another state.

16. The Commissioner also finds that King's license may be revoked because King has demonstrated untrustworthiness in the conduct of business in that he failed to notify KID of the administrative actions and failed to respond to KID's inquiries.

17. The Commissioner concludes that sufficient grounds exist for the revocation of the insurance agent's license of Kevin J. King pursuant to K.S.A. 2002 Supp. 40-4909(a).

18. Moreover, the Commissioner concludes that King's license may be revoked pursuant to K.S.A. 2002 Supp. 40-4909(b) for the protection of the insurable interests of the

public because King has failed to respond to a proper inquiry from KID, demonstrating a disregard for the regulatory authority of the Commissioner and a lack of trustworthiness in the conduct of business.

19. Accordingly, the Commissioner finds that King's Kansas nonresident insurance agent's license should be revoked.

20. 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 Kevin J. King.

IT IS THEREFORE ORDERED BY THE COMMISSIONER OF INSURANCE THAT the Kansas nonresident insurance agent's license of Kevin J. King is hereby **REVOKED**.

Notice and Opportunity for Hearing

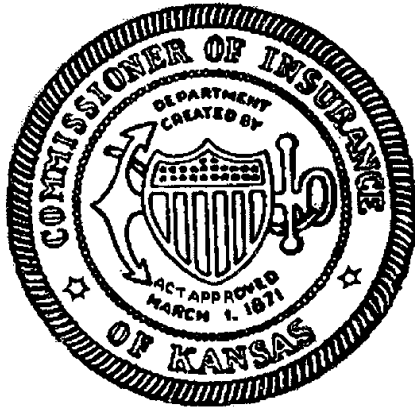
Kevin J. King, within fifteen (15) days of service of this Summary Order, may file with the KID written request for a hearing on this Summary Order, as provided by K.S.A. 77-542. In the event a hearing is requested, such request should be directed to John W. Campbell, General Counsel, Kansas Insurance 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 16th DAY OF DECEMBER 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: 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 she served a true and correct copy of the above and foregoing Summary Order on this 16th day of December 2003, by causing the same to be deposited in the United States Mail, first class postage prepaid, addressed to the following:

Kevin J. King
923 W. Emmaus Avenue, #1
Allentown, PA 18103

/s/ Brenda J. Clary
Brenda J. Clary