

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

FINAL ORDER

Effective: 04/26/04

In the Matter of the Kansas Nonresident)
Insurance Agent's License of)
JOSEPH M. MORGAN)

Docket No. 3304-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 nonresident agent's license of Joseph M. Morgan ("Morgan") 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 Morgan is licensed as a nonresident agent to transact the business of insurance in the State of Kansas and has been so licensed since June 20, 2002.
2. KID records further indicate a legal and mailing address of 2430 E. Hermosa Drive, Tempe, AZ 85282.
3. The National Association of Insurance Commissioners ("NAIC") Regulatory Information Retrieval System ("RIRS") database reflects the following information: Morgan's producer license was revoked in Florida by stipulated agreement, effective July 30, 2002, for failure to make required disclosure on license application and for criminal history, and in California, effective November 20, 2003, as a result of other states action and criminal proceedings.
4. By letter dated February 6, 2004, the KID attempted to contact Morgan for details of the regulatory actions.

5. By letter of March 2, 2004, KID again requested details of the regulatory actions and advised Morgan that if he failed to reply by March 16, 2004, action would be initiated to revoke his Kansas nonresident insurance agent's license.

6. To date, KID has not received a response from Morgan, returned mail, or notice of a change of address, and Morgan has not otherwise reported the actions or criminal convictions to KID.

Applicable Law

7. 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. (2) Violated: (A) Any provision of chapter 40 of the Kansas Statutes Annotated, and amendments thereto, or any rule and regulation promulgated thereunder . . . (C) any insurance law or regulation of another state . . . (6) been convicted of a misdemeanor or felony . . . (9) Had an insurance agent license, or its equivalent, denied, suspended or revoked in any other state, district or territory . . .” K.S.A. 2003 Supp. 40-4909(a).

8. 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 name or address. K.A.R. § 40-7-9.

9. The Commissioner may impose a monetary penalty for failure to respond to a proper inquiry. K.S.A. 40-2,125 (b).

10. 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

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

12. Based on the information contained in paragraph 3 above, the Commissioner finds that Morgan has violated insurance laws or regulations of another state.

13. Based on the information contained in paragraphs 3 and 6, the Commissioner finds that Morgan has violated K.A.R. §40-7-9 by failing to report actions against his license in other states within 30 days of the occurrence.

14. Based on the information contained in paragraph 3, the Commissioner finds that Morgan has been convicted of a misdemeanor or felony.

15. Based on the information contained in paragraph 3, the Commissioner finds that Morgan has had an insurance agent's license revoked in other states.

16. The Commissioner also finds that Morgan has failed to respond to a proper inquiry.

17. The Commissioner concludes that sufficient grounds exist for the revocation of the insurance agent's license of Joseph M. Morgan pursuant to K.S.A. 2003 Supp. 40-4909(a).

18. The Commissioner concludes that Morgan's license may be revoked pursuant to K.S.A. 2003 Supp. 40-4909(b) for the protection of the insurable interests of the public because Morgan 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 Morgan'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 Joseph M. Morgan.

IT IS THEREFORE ORDERED BY THE COMMISSIONER OF INSURANCE THAT the Kansas nonresident insurance agent's license of Joseph M. Morgan is hereby REVOKED.

Notice and Opportunity for Hearing

Joseph M. Morgan, 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 6th DAY OF APRIL 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 she served a true and correct copy of the above and foregoing Summary Order on this 6th day of April 2004, by causing the same to be deposited in the United States Mail, first class postage prepaid, addressed to the following:

Joseph M. Morgan
2430 E. Hermosa Drive
Tempe, AZ 85282

/s/ Brenda J. Clary
Brenda J. Clary