

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

<b>FINAL ORDER</b>
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Effective: 03/26/04
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In the Matter of the Kansas Nonresident        )  
Insurance Agency License of                    )  
MOSLEY & ASSOCIATES INSURANCE        )  
SERVICES, LTD, d.b.a. LIFE QUOTES        )        Docket No.    3291-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 insurance agency license of Mosley & Associates Insurance Services, LTD (“Mosley & Associates”) 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 Mosley & Associates is licensed as a nonresident agency to transact the business of insurance in the State of Kansas, and has been so licensed since August 26, 2003. KID records further indicate a legal and mailing address of 1104 Lincoln Avenue, San Rafael, CA 94901.
2. The Designated Person for the Agency is Tim G. Mosley, President.
3. Mosley submitted a “clean” application for license on behalf of Mosley & Associates, dated August 10, 2003, denying that the entity or any owner, partner, officer, or director had any pending criminal charges or prior convictions.
4. In signing the application, Mosley 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.

5. Mosley was charged with six tax-related offenses in Case Number 02-CR-327-ALL on October 23, 2002, in the United States District Court for the Northern District of California.

6. Mosley entered a plea of guilty on all counts on December 5, 2002, and was sentenced on June 19, 2003.

7. Mosely filed a notice of appeal from the district court judgment on July 11, 2003.

8. Mosley’s appeal, case number 03-10388, was dismissed as “frivolous” on February 24, 2004.

#### **Applicable Law**

9. 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 by misrepresentation or fraud. . . .” K.S.A. 2003 Supp. 40-4909(a).

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

12. The Commissioner finds that the license of Mosley & Associates may be revoked solely because Mosley obtained the license by falsely representing that he had never been convicted of a misdemeanor or felony and had no pending charges.

13. Accordingly, the Commissioner concludes that sufficient grounds exist for the revocation of the insurance agency license of Mosley & Associates Insurance Services, LTD, pursuant to K.S.A. 2003 Supp. 40-4909(a).

14. In addition, the Commissioner finds that the insurance agency license of Mosley & Associates Insurance Services, LTD, should be revoked without delay for the protection of the insurable interests of the public pursuant to K.S.A. 2003 Supp. 40-4909(b).

15. 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 Mosley & Associates Insurance Services, LTD.

**IT IS THEREFORE ORDERED BY THE COMMISSIONER OF INSURANCE THAT** the Kansas nonresident insurance agency license of Mosley & Associates Insurance Services, LTD, is hereby **REVOKED**.

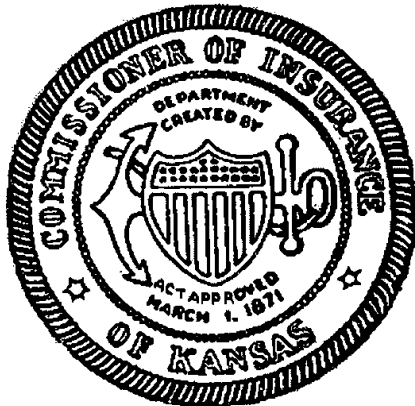
**Notice and Opportunity for Hearing**

Mosley & Associates Insurance Services, LTD, 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. 9<sup>th</sup> Street, Topeka, KS 66612.

Any costs incurred as a result of conducting any administrative hearing shall be assessed against the agency that 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 8th 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:** In the event the Petitioner files 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. 9<sup>th</sup> St., Topeka, KS 66612-1678.

**Certificate of Service**

The undersigned hereby certifies that she served a true and correct copy of the above and foregoing **Summary Order** on this   8th   day of March 2004, by causing the same to be deposited in the United States Mail, first class postage prepaid, addressed to the following:

Mosley & Associates Insurance Services, LTD  
1104 Lincoln Avenue  
San Rafael, CA 94901

  /s/ Brenda J. Clary    
Brenda J. Clary