

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

<b>FINAL ORDER</b>
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Effective: 03/22/04
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In the Matter of the Kansas Nonresident )		
Insurance Agent's License of )		Docket No. 3285-SO
SHIRLEY B. PORTER-HART )		

**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 Shirley B. Porter-Hart ("Porter-Hart") 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 Porter-Hart is licensed as a nonresident agent to transact the business of insurance in the State of Kansas, and has been so licensed since June 26, 2001. KID records further indicate a legal and mailing address of 323 Longview Drive, Piedmont, OK 73078.
2. The National Association of Insurance Commissioners ("NAIC") Regulatory Information Retrieval System ("RIRS") database reflects the following information: Porter-Hart's Oklahoma insurance agent's license was suspended, effective June 13, 2003, as a result of a complaint investigation.
3. By letter dated July 24, 2003, KID requested details of the action and a copy of the order.
4. By letter dated August 20, 2003, KID repeated the request and set a deadline for response of September 5, 2003.

5. By letter dated August 29, 2003, Porter-Hart responded through her attorney, James E. Dunn, that she was suspended pending a formal investigation, she disputed the allegations of the Oklahoma Insurance Commission, a hearing date had not yet been setbe advised.

6. The RIRS database reflects that Porter-Hart's Oklahoma license was revoked, effective October 20, 2003.

7. KID has not received notice of the action.

### **Applicable Law**

8. 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 . . . (2) Violated: (A) Any provision of chapter 40 of the Kansas Statutes Annotated, and amendments thereto, or any rule and regulation promulgated thereunder . . . (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).

9. K.S.A. 2003 Supp. 40-4906 and 4908 provide for issuance of a nonresident agent's license in reliance upon the agent's valid license in the agent's home state.

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

12. The Commissioner finds that Porter-Hart has had an insurance agent's license revoked in her home state of Oklahoma.

13. The Commissioner finds that Porter-Hart's Kansas license may be revoked solely because Porter-Hart has had an agent's license revoked in another state.

14. The Commissioner finds, in addition, that Porter-Hart's Kansas license may be revoked because it is based on reciprocity, and Porter-Hart's license in her home state of Oklahoma has been revoked.

15. Accordingly, the Commissioner concludes that sufficient grounds exist for the revocation of the insurance agent's license of Shirley B. Porter-Hart pursuant to K.S.A. 2003 Supp. 40-4909(a).

16. In addition, the Commissioner finds that the insurance agent's license of Shirley B. Porter-Hart 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).

17. 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 Shirley B. Porter-Hart.

**IT IS THEREFORE ORDERED BY THE COMMISSIONER OF INSURANCE THAT the Kansas resident insurance agent's license of Shirley B. Porter-Hart is hereby REVOKED.**

**Notice and Opportunity for Hearing**

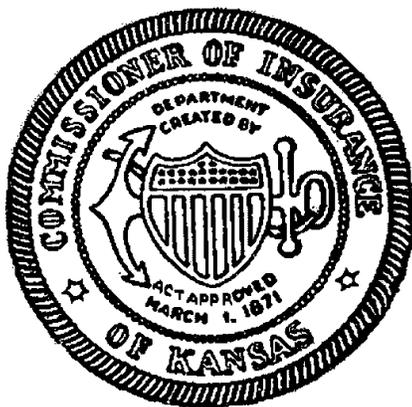
Shirley B. Porter-Hart, within fifteen (15) days of service of this Summary Order, may file with the KID written request for a hearing on this Summary Order, as provided by K.S.A. 77-542. In the event a hearing is requested, such request should be directed to John W.

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 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 3rd 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 \_3rd\_ day of March 2004, by causing the same to be deposited in the United States Mail, first class postage prepaid, addressed to the following:

Shirley B. Porter-Hart  
323 Longview Drive  
Piedmont, OK 73078

\_s/ Brenda J. Clary\_\_\_\_\_

Brenda J. Clary