

**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. 3246-SO
JON A. WHITE	)	

**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 Jon A. White ("White") 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 White was licensed as a nonresident agent to transact the business of insurance in the State of Kansas from October 29, 1998, until the license was suspended on June 2, 2003, for failure to comply with continuing education requirements and since the license was reissued, effective September 9, 2003.
2. KID records further indicate a legal address of 823 Keswick Drive, Iowa City, Iowa, and mailing address of P.O. Box 709, Iowa City, IA 52244.
3. The National Association of Insurance Commissioners ("NAIC") Regulatory Information Retrieval System ("RIRS") database reflects the following information: White's producer license was placed on probation in Iowa by consent order of July 10, 2003, effective September 29, 2003, as a result of marketing and sales, failure to respond, and demonstrated lack of fitness or trustworthiness.

4. By letter of October 9, 2003, the KID attempted to contact White for an explanation of the disciplinary action.

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

6. To date, the KID has not received notice from White of the disciplinary action, returned mail, or notice of a change of address.

### **Applicable Law**

7. 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 . . . (8) . . . demonstrated any incompetence, untrustworthiness or financial irresponsibility in the conduct of business in this state or elsewhere.” K.S.A. 2002 Supp. 40-4909(a).

8. A nonresident may be issued a license if such person is currently licensed as a resident agent and in good standing in the person's home state. K.S.A. 2002 Supp. 40-4906.

9. 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 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.

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. 2002 Supp. 40-4909(b).

### **Conclusions of Law**

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

12. The Commissioner finds that White's license may be revoked because White has violated of the administrative regulation requiring a licensed agent to report disciplinary action by other states.

13. The Commissioner also finds that White's license may be revoked because White 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.

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

15. The Commissioner also finds that White's license was not in good standing at the time he obtained a reissued Kansas license on September 9, 2003, and consequently, White is not entitled to a license based on reciprocity under K.S.A. 2002 Supp. 40-4906.

16. Moreover, the Commissioner finds that the Iowa order was pending at the time King applied for reissuance of his Kansas license and not disclosed, indicating that the omission was intentional rather than an oversight.

17. The Commissioner concludes that White'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 White has failed to respond to a proper inquiry from KID, demonstrating a disregard for the regulatory authority of the Commissioner, dishonesty in failing to disclose the Iowa action, and a lack of trustworthiness in the conduct of business.

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

19. 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 Jon A. White.

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

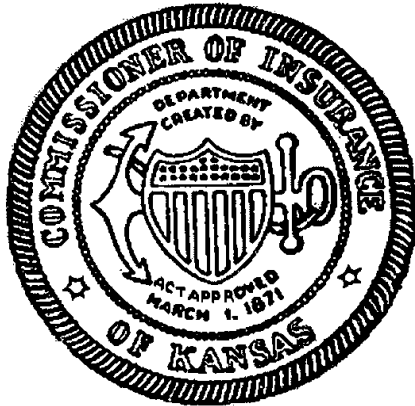
**Notice and Opportunity for Hearing**

Jon A. White, 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 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. 9<sup>th</sup> 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:

Jon A. White  
P.O. Box 709  
Iowa City, IA 52244

/s/ Brenda J. Clary  
Brenda J. Clary