

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

FINAL ORDER

Effective: 09-13-04

In the Matter of the Kansas Resident)
Insurance Agent's License of)
CHRISTOPHER W. HALL)

Docket No. 3298-SO

SUMMARY ORDER

(Pursuant to K.S.A. 2003 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 resident agent's license of Respondent Christopher W. Hall 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 Respondent is licensed as a resident agent to transact the business of insurance in the State of Kansas, and has been so licensed since October 4, 2002.
2. KID records further indicate a legal and mailing address of 7723 Santa Fe, Overland Park, KS 66204.
3. On August 25, 2003, Respondent was charged with aggravated battery, in violation of K.S.A. 21-3414(a)(1)(C), a severity level 7, person felony, in the District Court of Johnson County, Kansas.
4. On August 26, 2003, Respondent self-reported the pending charges by email message to LeRoy Brungardt, Director of the KID agent licensing division.
5. By letter dated October 9, 2003, KID requested the status of the case.

6. By email dated and received on November 12, 2003, Respondent provided the information requested and indicated that his next court date would be December 11, 2003.

7. By letter dated January 28, 2004, KID requested a status report by February 11, 2004.

8. By letter dated February 23, 2004, KID made a second request for the status of the case and advised Respondent that if he did not respond by March 8, 2004, action would be initiated to revoke his license.

9. Subsequently, KID checked Johnson County district court records and determined that the case was still pending and that Respondent would be entering a plea.

10. According to court records, Respondent entered a plea of guilty and was found guilty of attempted aggravated battery, a severity level 9 felony, Respondent was sentenced on June 30, 2004, and no notice of appeal was filed.

11. To date, Respondent has not responded to the January and February inquiries or notified KID of the conviction.

Applicable Law

12. 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; (B) Any subpoena or order of the commissioner; . . . [or] (6) Been convicted of a misdemeanor or felony. . . .” K.S.A. 2003 Supp. 40-4909(a).

13. 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 is conviction of a misdemeanor or felony. K.A.R. § 40-7-9.

14. 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

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

16. The Commissioner finds that Respondent has been convicted of a felony, and that the judgment is final.

17. The Commissioner finds that Respondent has violated K.A.R. §40-7-9 by failing to notify KID of that conviction within 30 days of final judgment.

18. The Commissioner assumes that at least one of the last two letters would have reached Respondent if his address of record were current and finds that Respondent has failed to respond to KID's proper inquiries.

19. Alternatively, the Commissioner finds that Respondent has violated K.A.R. §40-7-9 by failing to notify KID of a change of address.

20. The Commissioner, therefore, concludes that good cause exists pursuant to K.S.A. 2003 Supp. 40-4909(a) to revoke Respondent's Kansas resident insurance agent's license.

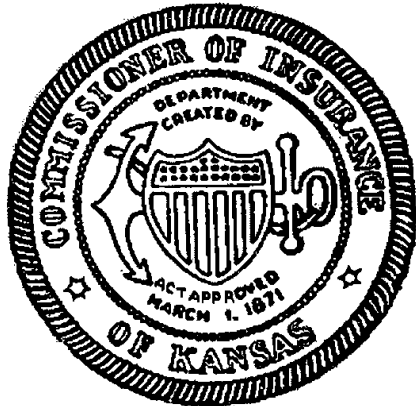
21. In addition, the Commissioner finds that Respondent failed or refused to respond to a proper inquiry from the Commissioner, demonstrating a disregard for regulatory authority.

22. The Commissioner concludes that Respondent's insurance agent's license 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).

23. 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 Christopher W. Hall.

IT IS THEREFORE ORDERED BY THE COMMISSIONER OF INSURANCE THAT the Kansas nonresident insurance agent's license of Christopher W. Hall, is hereby REVOKED.

IT IS SO ORDERED THIS 24th DAY OF AUGUST 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. 9th 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 **Notice** and **Summary Order** on this 24th day of August 2004, by causing the same to be deposited in the United States Mail, first class postage prepaid, addressed to the following:

Christopher W. Hall
7723 Santa Fe
Overland Park, KS 66204

/s/ Brenda W. Clary
Brenda J. Clary

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NOTICE OF PROPOSED ADMINISTRATIVE ACTION

Notice is hereby given that the attached Summary Order will become effective fifteen (15) days after service of this Notice unless Respondent files with the Kansas Insurance Department ("KID") a written request for a hearing, as provided by K.S.A. 77-542. In the event a hearing is requested, the attached summary order will serve to give notice of the allegations upon which KID bases its proposed action.

A request for hearing should be directed to John W. Campbell, General Counsel, Kansas Insurance Department, 420 S.W. 9th Street, Topeka, KS 66612.

Any costs of an administrative hearing may be assessed against an agent who is the subject of the hearing as provided by K.S.A. 40-4909(f).

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.

Dated this 24th day of August 2004.

_s/ Brenda J. Clary _____
Brenda J. Clary
Staff Attorney
Kansas Insurance Department