

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

FINAL ORDER

Effective: 5-28-2004

In the Matter of the Kansas Resident)
Insurance Agent's License of)
SHELLY R. YOXALL)

Docket No. 3326-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 nonresident agent's license of Shelly R. Yoxall ("Yoxall") 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 Yoxall was first licensed as a resident agent to transact the business of insurance in Kansas from May 1993 until February 1998, was again licensed as a resident agent on February 7, 2003, and has been so licensed to date.
2. KID records further indicate a legal and mailing address of 914 Somerset Circle, Salina, KS 67401.
3. Yoxall was employed as an assistant by agent Dallas Dunn, Salina, from October or November 2002 until May 16, 2003.
4. According to Dunn, on May 16, 2003, Yoxall admitted to him that she had prepared and backdated proof of insurance, using Dunn's father's policy number, for Corbin Pickerill in April so that Pickerill could get out of a ticket for not having proof of insurance.
5. Dunn explained in detail to a KID investigator how Yoxall had used the office software to produce proof of insurance without actually binding coverage.

6. Yoxall told a KID investigator that she prepared a quote and proof of insurance for Pickerill when he was in a hurry to renew his license place and had only enough money with him for that purpose. Yoxall stated that he knew he did not have insurance and was to return to pay the premium but never did.

7. Pickerill presented the proof of insurance to law enforcement officers after a fatality accident and to the hospital at which he received treatment after the accident.

8. Based on the information contained in paragraphs 4 through 7 above, the Commissioner finds that Yoxall either fraudulently produced proof of insurance for Pickerill with the intent to assist him in evading the criminal consequences of driving without insurance or she failed to understand the significance of the document she prepared and the consequences of its misuse.

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: . . . (8) Used any fraudulent, coercive, or dishonest practice, or demonstrated any incompetence, untrustworthiness, or financial irresponsibility in the conduct of business in this state or elsewhere . . .” 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 Yoxall as well as the subject matter of this proceeding, and such proceeding is held in the public interest.

12. The Commissioner finds that Yoxall has used a fraudulent practice or has demonstrated incompetence, untrustworthiness, or financial irresponsibility in the conduct of business.

13. The Commissioner concludes that sufficient grounds exist for the revocation of the insurance agent's license of Shelly R. Yoxall pursuant to K.S.A. 2003 Supp. 40-4909(a).

14. The Commissioner also concludes that Yoxall'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.

15. Accordingly, the Commissioner finds that Yoxall's Kansas resident insurance agent's license should be revoked.

16. 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 Shelly R. Yoxall.

IT IS THEREFORE ORDERED BY THE COMMISSIONER OF INSURANCE THAT the Kansas nonresident insurance agent's license of Shelly R. Yoxall is hereby REVOKED.

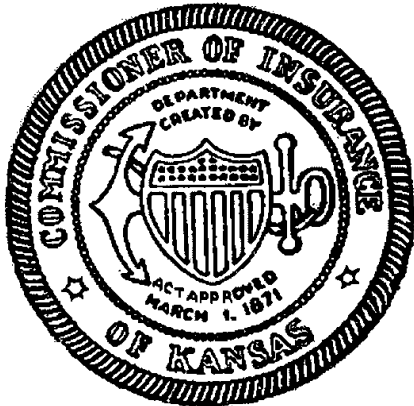
Notice and Opportunity for Hearing

Shelly R. Yoxall, 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 10th DAY OF MAY 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 10th day of May 2004, by causing the same to be deposited in the United States Mail, first class postage prepaid, addressed to the following:

Shelly R. Yoxall
914 Somerset Circle
Salina, KS 67401

_s/ Brenda J. Clary _____
Brenda J. Clary