

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

**FINAL ORDER**

Effective: 12/21/2004

In the Matter of the Kansas Resident )  
Insurance Agent's License of )  
NORMA B. BIGGS )

Docket No. 3406-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 Norma B. Biggs ("Biggs" or Respondent") by way of Summary Order as provided by K.S.A. 77-537.

**Findings of Fact**

The Commissioner has been shown the following:

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 Kansas, and has been so licensed since December 12, 2001.
2. KID records further indicate a legal address for respondent of 2731 South Greenwood, Wichita, KS 67216.
3. On October 25, 2004, Advanced Auditor Sharon Steele hand-delivered to KID her investigation report on behalf of Farmers Group, Inc. ("Farmers").
4. The report reflects that between September 21, 2003, and February 9, 2004, Respondent, while acting as a licensed customer service representative employed by a Farmers agent, accepted cash premium payments, totaling \$2,106.63, from 15 consumers, generated and

signed manual receipts, and failed to deposit the payments or apply them to the consumers' policies, causing the consumers to receive notices of cancellation.

5. The report also reflects that Respondent had sole custody, care, and control of premium collections.

6. According to the report, Respondent admitted that she knew money was missing but did not know how much or where it was, and she agreed to provide a written statement, including a statement of intent to repay the missing money, but failed to do so.

7. By letter dated October 26, 2004, KID inquired about the allegations and demanded a response by November 9, 2004.

8. To date, Respondent has not replied to KID's inquiry.

#### **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: . . . (2) Violated (A) Any provision of chapter 40 of the Kansas Statutes Annotated, and amendments thereto, or any rule and regulation promulgated thereunder; . . . (4) Improperly withheld, misappropriated or converted any moneys or properties received in the course of doing insurance business . . . (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 interests of the insurer or 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 Respondent as well as the subject matter of this proceeding, and such proceeding is held in the public interest.

12. The Commissioner finds, based on the facts contained in paragraphs 3 through 6 above that Respondent has improperly withheld, misappropriated or converted moneys received in the course of doing insurance business.

13. The Commissioner further finds that Respondent's intent is not a critical fact because she has, at a minimum, demonstrated incompetence, untrustworthiness, or financial irresponsibility in the conduct of business.

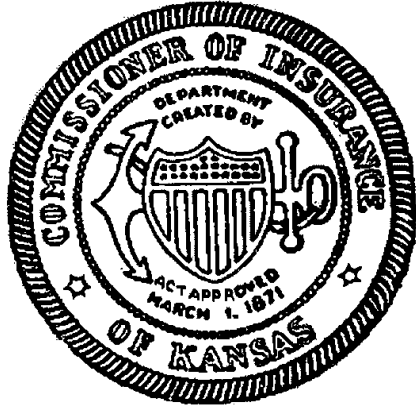
14. The Commissioner concludes that sufficient grounds exist for the revocation of Respondent's insurance agent's license pursuant to K.S.A. 2003 Supp. 40-4909(a)(4) and (a)(8).

15. The Commissioner also concludes that Respondent's license may be revoked or suspended pursuant to K.S.A. 2003 Supp. 40-4909(b) for the protection of the interests of the insurer and the insurable interests of the public.

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 Norma B. Biggs.

**IT IS THEREFORE ORDERED BY THE COMMISSIONER OF INSURANCE THAT the Kansas resident insurance agent's license of Norma B. Biggs is hereby REVOKED.** It is further ordered that Norma B. Biggs shall **CEASE AND DESIST** from the sale, solicitation, or negotiation of insurance and/or receiving compensation deriving from the sale, solicitation, or negotiation of insurance conducted after the effective date of this order.

IT IS SO ORDERED THIS 3rd DAY OF DECEMBER 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. 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 **Notice** and **Summary Order** on this 3rd day of December 2004, by causing the same to be deposited in the United States Mail, first class postage prepaid, addressed to the following:

Norma B. Biggs  
2731 South Greenwood  
Wichita, KS 67216

\_\_\_\_\_  
Brenda J. Clary

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**NOTICE OF SUMMARY ORDER**

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. 9<sup>th</sup> Street, Topeka, KS 66612.

Any costs incurred as a result of conducting any 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 3rd of December 2004.

\_ /s/ Brenda J. Clary \_\_\_\_\_  
Brenda J. Clary  
Staff Attorney  
Kansas Insurance Department