

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

FINAL ORDER

Effective: 12/01/2004

In the Matter of the Kansas Nonresident)
Insurance Agent's License of)
KRISTI N. DRINKERT)

Docket No. 3380-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 Kristi N. Drinkert ("Drinkert" 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 October 29, 2002.
2. KID records further indicate a legal address of 10706 Ewing Dr., Kansas City MO 64134.
3. On September 17, 2004, KID's chief fraud investigator received a report telephone from Jim Toyne, an Overland Park, Kansas, insurance agent and Respondent's employer, that Drinkert accepted \$150 in cash as a premium payment for the period July 31, 2003, through January 31, 2004, from Brandi Chambers, Respondent's cousin, and provided an insurance card listing Progressive as the insurer.

4. In October 2003, Chambers was involved in an accident, and it was discovered that she did not have insurance coverage.

5. According to Toyne, the policy number on the card belongs to the policy of one of Respondent's friends, and the card was printed at Respondent's work station.

6. According to Bonnie Falk, office manager of the agency, Respondent denied knowing Chambers, but Chambers claimed that the \$150 payment changed hands at a family gathering.

7. Respondent's employment with the agency was terminated for falsification of the card.

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: . . . (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).

9. 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

10. The Commissioner has jurisdiction over Respondent as well as the subject matter of this order, and such order is necessary to prevent immediate danger to the public welfare.

11. The Commissioner finds, based on the facts contained in paragraphs 3 through 6 above that Respondent falsified a proof of insurance document and provided it to a consumer after accepting a cash payment.

12. The Commissioner concludes that such conduct is grounds for suspension or revocation pursuant to K.S.A. 2003 Supp. 40-4909(a)(8) because it is a fraudulent, coercive, or dishonest practice or demonstrates incompetence, untrustworthiness, or financial irresponsibility in the conduct of business.

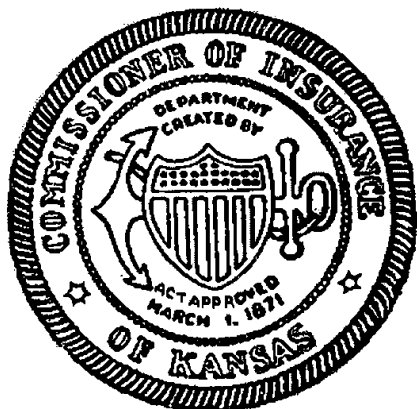
13. The Commissioner makes no finding as to whether the consumer intended to purchase insurance or intended to purchase a falsified document but finds that the consumer's intent is not material to Respondent's violation.

14. 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.

15. 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 Kristi N. Drinkert.

IT IS THEREFORE ORDERED BY THE COMMISSIONER OF INSURANCE THAT the Kansas resident insurance agent's license of Kristi N. Drinkert is hereby REVOKED. It is further ordered that Kristi N. Drinkert shall **CEASE AND DESIST** from engaging in the business of insurance.

IT IS SO ORDERED THIS 10th DAY OF NOVEMBER 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 November 2004, by causing the same to be deposited in the United States Mail, first class postage prepaid, addressed to the following:

Kristi N. Drinkert
10706 Ewing Dr.
Kansas City MO 64134

/s/ Brenda J. Clary
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. 9th 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 10th of November 2004.

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