

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

FINAL ORDER

Effective: 12/21/2004

In the Matter of the Kansas Nonresident)
Insurance Agent's License of)
MICHAEL A. NORSETH)

Docket No. 3407-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 Michael A. Norseth ("Respondent" or "Norseth") 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 nonresident agent to transact the business of insurance in Kansas and has been so licensed since March 10, 2004.
2. KID records further indicate a legal and mailing address for Respondent of 257 E. Carol Way, Midvale, UT 84047.
3. From March 26, 2004, until October 4, 2004, Respondent held an agent appointment with Principal Life Insurance Company ("Principal").
4. By letter dated October 14, 2004, Principal representative Jennifer Adamson notified KID that Respondent's affiliation with the company had been terminated for cause effective October 4, 2004.

5. Adamson stated in subsequent correspondence that Respondent had admitted, both to Principal representatives and to a postal inspector that he had knowingly submitted to the company a policy delivery document containing false attestations by the owner and insured that the insured's medical condition had not changed since the date of the application.

6. By letter dated October 26, 2004, KID requested that Respondent provide his account of the circumstances by November 8, 2004, and warned that failure to respond could impact the status of his license.

7. To date, Respondent has not responded to the letter.

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: . . . (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; . . . ” K.S.A. 2003 Supp. 40-4909(a).

9. A fraudulent insurance act is

“an act committed by any person who, knowingly and with intent to defraud, presents, causes to be presented or prepares with knowledge or belief that it will be presented to or by an insurer, purported insurer, broker or any agent thereof, any written statement as part of, or in support of, an application for the issuance of, or the rating of an insurance policy for personal or commercial insurance . . . which such person knows to contain materially false information concerning any fact material thereto; or conceals, for the purpose of misleading, information concerning any fact material thereto.” K.S.A. 40-2,118(a).

10. A fraudulent insurance act is a crime pursuant to K.S.A. 40-2,118(b).

11. 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

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

13. The Commissioner finds that Respondent presented a written statement in support of an application for the issuance of an insurance policy, thereby violating K.S.A. 40-2,118, a provision of chapter 40 of the Kansas Statutes Annotated.

14. The Commissioner also finds that Respondent failed to respond to a proper inquiry by KID.

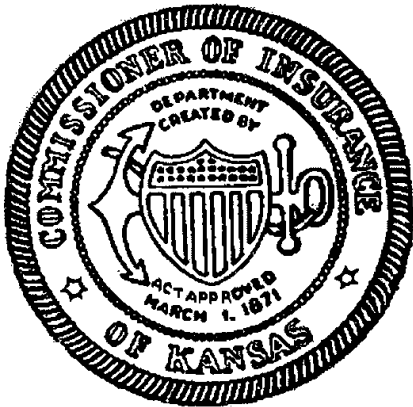
15. Accordingly, the Commissioner concludes that sufficient grounds exist to revoke Respondent's Kansas nonresident insurance agent's license pursuant to K.S.A. 2003 Supp. 40-4909(a)(2).

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 Michael A. Norseth.

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

IT IS FURTHER ORDERED THAT Michael A. Norseth shall immediately CEASE AND DESIST from selling, soliciting, and negotiating insurance in Kansas or with respect to risks located in Kansas and from holding himself out as an insurance agent or broker.

IT IS SO ORDERED THIS 2nd 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. 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 **Notice** and **Summary Order** on this 2nd day of December 2004, by causing the same to be deposited in the United States Mail, first class postage prepaid, addressed to the following:

Michael A. Norseth
257 E. Carol Way
Midvale, UT 84047

/s/ Brenda J. Clary

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

In the Matter of the Kansas Nonresident)
Insurance Agent's License of)
MICHAEL A. NORSETH) Docket No. 3407-SO

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 2nd day of December 2004.

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