

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

In the Matter of the Kansas Nonresident)
Insurance Agent’s License of)
DARYL C. TRAWICK) Docket No. 3314-CO

CONSENT ORDER
Pursuant to K.S.A. 2003 Supp. 40-4909

The Kansas Insurance Department (“KID”) and Respondent Kansas nonresident insurance agent Daryl C. Trawick (“Trawick” or “Respondent”) wish to resolve all allegations of agent misconduct by entering into this consent order. Pursuant to authority granted to the Commissioner of Insurance (“Commissioner”) by K.S.A. 2002 Supp. 40-4909, the Commissioner hereby accepts surrender of the Kansas nonresident agent’s license of Daryl C. Trawick and dismisses the administrative proceeding.

The Commissioner and Respondent stipulate and agree to 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 the State of Kansas, and has been so licensed since October 10, 2001. KID records further indicate a legal address of 5700 Grelot Road, Apartment 521, Mobile, Alabama, and mailing address of 2370G Hillcrest Road #237, Mobile, AL 36695.
2. Respondent’s Nebraska insurance agent’s license was suspended, effective March 3, 2004, for lack of fitness or trustworthiness and misappropriation of premium.
3. The Nebraska Consent Order, Cause No. A-1525, includes findings that Respondent had sold insurance without a license in a number of states, including Kansas, and failed to remit when due approximately \$190,000 in premium.
4. Respondent failed to give timely notice of that action.

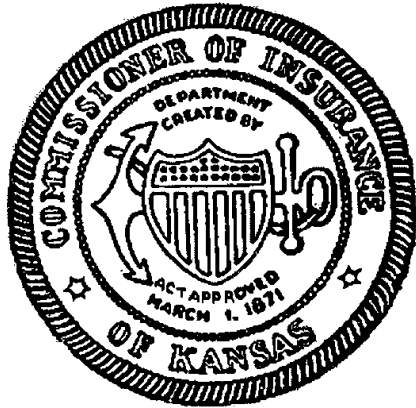
5. Respondent admits selling, soliciting, and negotiating insurance and accepting premium of less than \$500 in Kansas prior to the effective date of his license.

6. Respondent admits to placing premium funds out of the reach the company during a dispute with Mutual of Omaha but has previously testified under oath to the effect that he believed that he had a right to withhold gross premium as a result of what he believed to be the company's fraudulent representations and/or breach of contract.

7. Respondent acknowledges that documentary evidence may be legally sufficient to support actions ranging from monetary penalties to suspension or revocation of his license but contends that revocation would be inappropriate in light of documentary evidence he has supplied in mitigation. Nevertheless, Respondent agrees to waive his right to a hearing and surrender his Kansas nonresident insurance agent's license in exchange for dismissal of this action.

IT IS THEREFORE ORDERED BY THE COMMISSIONER OF INSURANCE THAT this proceeding is dismissed by agreement of the parties. It is further ordered that Respondent may be licensed in Kansas in the future only upon an acceptable new application. This order shall be effective when Respondent's license is received in the Kansas Insurance Department and the order is signed by both Respondent and the Commissioner or her designee.

IT IS SO ORDERED THIS 15th DAY OF OCTOBER, 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.

I, Daryl C. Trawick, hereby tender my Kansas nonresident insurance agent's license and waive hearing and judicial review in exchange for dismissal of this action.

_____/s/ Daryl C. Trawick_____
Daryl C. Trawick 1-15-04
Date

APPROVED BY:

_____/s/ Margaret Gatewood_____
Margaret Gatewood
Attorney for Respondent Daryl C. Trawick

SUBMITTED AND APPROVED BY:

_____/s/ Brenda J. Clary_____
Brenda J. Clary
Attorney for Petitioner Kansas Insurance Department

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 **Consent Order** on this 15th day of October 2004, by causing the same to be deposited in the United States Mail, first class postage prepaid, addressed to the following:

Daryl C. Trawick
2370G Hillcrest Road #237
Mobile, AL 36695
Respondent

Margaret A. Gatewood
Goodell, Stratton, Edmonds & Palmer
515 S. Kansas Ave.
Topeka, KS 66603-3999
Attorney for Respondent

/s/ Brenda J. Clary _____
Brenda J. Clary