

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

FINAL ORDER

Effective: 02/18/05

In the Matter of the Kansas Resident)
Insurance Agent's License of)
GRETA ANN COMMERFORD)

Docket No. 3423-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 Greta Ann Commerford ("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 May 28, 1986.
2. KID records further indicate a legal and mailing address for respondent of 3436 Treemill Drive, Manhattan, KS 66503.
3. KID has reason to believe that Respondent's current address may currently be 2500 Farm Bureau Road, #47, Manhattan, KS 66502.
4. In case number 04 CR 170 in the District Court of Riley County, Kansas, Respondent was convicted of a violation of K.S.A. 17-1253(a)(1), securities fraud with a loss of \$25,000 or more, a level 6, nonperson felony, and sentenced on June 18, 2004.

5. Pursuant to a plea agreement, Respondent's sentence included an order of restitution.

6. By separate order filed August 18, 2004, Respondent's restitution was set at \$468,796.43.

7. To date, Respondent has not reported the conviction to KID.

Applicable Law

8. Federal criminal law prohibits a person "who has been convicted of any criminal felony involving dishonesty or a breach of trust" from engaging "in the business of insurance whose activities affect interstate commerce" without the written consent of the regulatory authority of that person's home state. 18 U.S.C. 1033(e)(1)

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; . . . (6) Been convicted of a misdemeanor or felony . . . (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 concludes that Respondent's license may be revoked pursuant to K.S.A. 2003 Supp. 40-4909(a)(6) because Respondent has been convicted of a felony.

13. Furthermore, the Commissioner finds that the felony involves dishonesty or a breach of trust, rendering Respondent presumptively a prohibited person in the business of insurance under 18 U.S.C. 1033(e).

14. The Commissioner finds, based on the facts contained in paragraphs 4 through 6 above that Respondent has used a fraudulent, coercive, or dishonest practice and demonstrated untrustworthiness in the conduct of business, and therefore, her license may be revoked K.S.A. 2003 Supp. 40-4909(a)(8).

15. The Commissioner further finds that Respondent's license may be revoked pursuant to K.S.A. 2003 Supp. 40-4909(a)(2)(A) because Respondent has violated K.A.R. §40-7-9 by failing or refusing to report the conviction to KID.

16. 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).

17. 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.

18. 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 Greta Ann Commerford.

IT IS THEREFORE ORDERED BY THE COMMISSIONER OF INSURANCE THAT the Kansas resident insurance agent's license of Greta Ann Commerford is hereby REVOKED. It is further ordered that **Greta Ann Commerford 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 31st DAY OF JANUARY 2005, 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

IMPORTANT NOTICE: Respondent herein may have a right to judicial review of this order as provided in the Kansas Act for Judicial Review and Civil Enforcement of Agency Actions, K.S.A. 77-601 *et seq.* 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.

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 31st day of January 2005, by causing the same to be deposited in the United States Mail, first class postage prepaid, addressed to the following:

Greta Ann Commerford
3436 Treemill Drive
Manhattan, KS 66503

Greta Ann Commerford
2500 Farm Bureau Road, #47
Manhattan, KS 66502

_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 31st of January 2005.

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