

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

FINAL ORDER Effective: 6/13/05

In the Matter of the Kansas Resident)
Insurance Agent's License of)
RICHARD J. BOWMAN)

Docket No. 3463-SO

SUMMARY ORDER

(Pursuant to K.S.A. 2004 Supp. 40-4909 and K.S.A. 77-537)

Pursuant to authority granted to the Commissioner of Insurance ("Commissioner") by K.S.A. 2004 Supp. 40-4909, the Commissioner hereby revokes the resident agent's license of Richard J. Bowman ("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 September, 2001.
2. KID records indicate a legal and mailing address for Respondent of 1138 Mississippi St., Apt. 3, Lawrence, KS 66044, and agency affiliations with American Income Life Insurance and United American Insurance Company, both of which were cancelled on December 3, 2001 and March 21, 2002, respectively.
3. KID records further indicate that Respondent was convicted on April 2, 2003 of Abuse of a Child and Burglary, both felonies, in Douglas County District Court. The Burglary conviction involved stealing Christmas donations from a church.
4. Respondent did not report these convictions to KID.

Applicable Law

5. K.S.A. 2004 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: . . . (6) Been convicted of a misdemeanor or felony. . .” K.S.A. 2004 Supp. 40-4909(a).

6. 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. 2004 Supp. 40-4909(b).

7. The Kansas Administrative Regulations (“KAR”) 40-7-9 provides, in relevant part:

“Each person licensed in this state as an insurance agent shall, within 30 days of occurrence, report to the commissioner of insurance: . . . (d) all details of any conviction of a misdemeanor or felony. . .” KAR 40-7-9

Conclusions of Law

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

9. The Commissioner finds, based on the facts contained in paragraphs 3 above that Respondent has been convicted of two felony offenses.

10. The Commissioner notes that one of the offenses is material to Respondent’s fitness to hold an insurance agent’s license.

11. The Commissioner further notes that one of the offenses is of a type that would render Respondent a “prohibited person” in the business of insurance pursuant to 18 U.S.C. §1033.

12. The Commissioner finds that Respondent failed to report his felony convictions or to provide any details regarding those offenses.

13. The Commissioner concludes that sufficient grounds exist for the suspension or revocation of Respondent's insurance agent's license pursuant to K.S.A. 2004 Supp. 40-4909(a)(6).

14. The Commissioner also concludes that Respondent's license may be suspended or revoked pursuant to K.S.A. 2004 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 Richard J. Bowman.

IT IS THEREFORE ORDERED BY THE COMMISSIONER OF INSURANCE THAT the Kansas resident insurance agent's license of Richard J. Bowman should be and is hereby REVOKED. It is further ordered that Richard J. Bowman 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 23rd DAY OF MAY 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

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 23rd day of May 2005, by causing the same to be deposited in the United States Mail, first class postage prepaid, addressed to the following:

Richard J. Bowman
1138 Mississippi St., Apt. 3
Lawrence, Ks 66044

/s/ Shelley J. Diehl
Shelley J. Diehl

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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 23rd of May 2005.

_s/ Shelley J. Diehl _____
Shelley J. Diehl
Staff Attorney
Kansas Insurance Department