

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

<b>FINAL ORDER</b> <b>Effective: 01/31/06</b>
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In the Matter of the Kansas Nonresident )	
Insurance Agent's License of )	Docket No. 3514-SO
MICHELE L. MANKAMYER )	

**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 nonresident agent's license of Michele L. Mankamyer ("Mankamyer") 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 Mankamyer is licensed as a nonresident agent to transact the business of insurance in the State of Kansas, and has been so licensed since October 2, 2003. KID records further indicate a legal address of 9836 Breakers West Terr. West Palm Beach, FL 33411, and a mailing address of 1013 Lucerne Ave., Ste 200, Lake Worth, Fl 33460.
2. The National Association of Insurance Commissioners ("NAIC") Regulatory Information Retrieval System ("RIRS") database reflects the following information: Mankamyer entered into a stipulated agreement/order and agreed to pay a monetary penalty, effective June 3, 2003, for her failure to make required disclosure on license application
3. NAIC RIRS database reflects that the State of Wisconsin denied Mankamyer's license, effective on December 4, 2003, for her failure to make required disclosure on license application and failure to report other state action.

4. NAIC RIRS database also indicates that Mankamyer entered into a settlement agreement with the State of Virginia, on March 5, 2004, agreeing to cease and desist from violations of Virginia insurance code.

5. NAIC RIRS database further indicates that Mankamyer entered into a consent order for monetary penalty with the State of Mississippi, effective on June 7, 2004, for making misstatement on her license application.

6. NAIC RIRS database reflects further that Mankamyer entered into a consent order of license probation and monetary penalty with the State of New Hampshire, effective on September 15, 2004, for making misstatement on license application regarding criminal proceedings.

7. NAIC RIRS database shows that Mankamyer also entered into a consent order for monetary penalty with the State of South Dakota, effective on November 15, 2004, for making misstatement on application and failure to report other state action.

8. NAIC RIRS database also shows that the State of Iowa revoked Mankamyer's license, effective March 24, 2005, for her failure to make required disclosure on license application and failure to report other state action.

9. NAIC RIRS database further shows that the State of Minnesota imposed civil penalty against Mankamyer, effective October 5, 2005, for making misstatement on license application.

10. NAIC RIRS database also reveals that Mankamyer entered into a consent order with the State of Massachusetts, on November 15, 2005, agreeing to cease and desist from violations of Massachusetts insurance code and to pay a monetary penalty for her failure to make required disclosure on license application and failure to report other state action within 30 days.

11. By letter of November 28, 2005, the KID attempted to contact Mankamyer at her mailing address of record for an explanation of the above-stated actions, with notice that failure to respond to KID may impact the status of her Kansas license.

12. To date, KID has not received any explanation from Mankamyer regarding the all above-stated actions taken by states of Hawaii, Wisconsin, Virginia, Mississippi, New Hampshire, South Dakota, Iowa, Minnesota and Massachusetts.

### **Applicable Law**

13. 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 . . . (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; . . . (9) Had an insurance agent license, or its equivalent, denied, suspended or revoked in any other state, district or territory.” K.S.A. (2004 Supp.) 40-4909(a).

14. Administrative regulations require that a person licensed in this state as an insurance agent shall, within 30 days of the occurrence, report enumerated events to the Commissioner. Among these events are disciplinary action against the agent’s license by the insurance regulatory official of any other state or territory and a change of address. K.A.R. § 40-7-9.

15. 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. (2004 Supp.) 40-4909(b).

### **Conclusions of Law**

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

17. The Commissioner finds that Mankamyer's Kansas license may be revoked solely because she has had a license revoked in another state.

18. In addition, the Commissioner finds that Mankamyer failed to respond KID's inquiry about the state actions against her licenses in Hawaii, Wisconsin, Virginia, Mississippi, New Hampshire, South Dakota, Iowa, Minnesota and Massachusetts, despite clear notice that failure to do so may impact the status of her Kansas license, thereby violating the equivalent of a subpoena or order of the Commissioner.

19. The Commissioner further concludes that Mankamyer violated the administrative regulation requiring a licensed agent to report disciplinary action by other states within 30 days by failing to report the disciplinary actions in Hawaii, Wisconsin, Virginia, Mississippi, New Hampshire, South Dakota, Iowa, Minnesota and Massachusetts.

20. Accordingly, the Commissioner concludes that sufficient grounds exist for the revocation of the insurance agent's license of Michele L. Mankamyer pursuant to K.S.A. (2004 Supp.) 40-4909(a).

21. Moreover, the Commissioner finds that Mankamyer has demonstrated irresponsibility in the conduct of business by failing to report the disciplinary actions taken by Hawaii, Wisconsin, Virginia, Mississippi, New Hampshire, South Dakota, Iowa, Minnesota and Massachusetts to KID, and her insurance agent's license should be revoked pursuant to K.S.A. (2004 Supp.) 40-4909(b) for the protection of the insurable interests of the public.

22. 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 Michele L. Mankamyer.

**IT IS THEREFORE ORDERED BY THE COMMISSIONER OF INSURANCE THAT** the Kansas non-resident insurance agent's license of Michele L. Mankamyer is hereby **REVOKED.**

**Notice and Opportunity for Hearing**

Michele L. Mankamyer, within fifteen (15) days of service of this Summary Order, may file with the KID written request for a hearing on this Summary Order, as provided by K.S.A. 77-542. In the event a hearing is requested, such request should be directed to John W. Campbell, General Counsel, Kansas Insurance Department, 420 S.W. 9<sup>th</sup> Street, Topeka, KS 66612.

Any costs incurred as a result of conducting any administrative hearing shall be assessed against the agent/agency who is the subject of the hearing as provided by K.S.A. 40-4909(f). Costs shall include witness fees, mileage allowances, any costs associated with the reproduction of documents which become part of the hearing record, and the expense of making a record of the hearing.

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.

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. 9<sup>th</sup> St., Topeka, KS 66612-1678.

**IT IS SO ORDERED THIS 12th DAY OF JANUARY, 2006, 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

### **Certificate of Service**

The undersigned hereby certifies that he served the above and foregoing Summary Order on this 12th day of January, 2006, by causing the same to be deposited in the United States Mail, first class postage prepaid, addressed to the following:

Michele L. Mankamyer  
1013 Lucerne Ave., #200  
Lake Worth, FL 33460

/s/ Hsingkan Chiang  
Hsingkan Chiang, Staff Attorney