

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

FINAL ORDER Effective: 04-10-07
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In the Matter of the Kansas Resident)	
Insurance Agent's License of)	Docket No. 3640-SO
MOLLY COWAN)	

SUMMARY ORDER
(Pursuant to K.S.A. 2006 Supp. 40-4909, and K.S.A. 77-537)

Pursuant to authority granted to the Commissioner of Insurance ("Commissioner") by K.S.A. 2006 Supp. 40-4909(a)(2)(B), the Commissioner hereby revokes the Kansas resident insurance agent's license of Respondent Molly Cowan, 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, Molly Cowan, is licensed as a resident agent to transact the business of insurance in Kansas and has been so since August 8, 1996.
2. KID records further indicate a legal and mailing address for Respondent 6701 W. 202nd Terrace, Bucyrus, Kansas, 66013.
3. KID received a letter from American Family Marketing Agency Specialist, Wayne Law, concerning Respondent and her handling of customer billing accounts and using her personal accounts to cover customer payments.
4. KID anti-fraud investigator Randy Adair investigated this matter. Through the course of his investigation, Adair conducted a phone interview with Joe Thelen of the Joe Thelen Agency where Respondent had worked as a customer services representative. Thelen explained that Respondent created false credits to pay premiums on her own accounts, and

accepted cash from customers, and paid back the accounts through her personal credit card. Further, Respondent failed to pay premium on several accounts.

Conclusions of Law

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

6. The actions of Respondent constitute a dishonest practice or demonstrate incompetence, untrustworthiness or financial irresponsibility in the conduct of business in this state or elsewhere.

7. The failure to pay premiums, reported in several instances, constitutes improper withholding, misappropriating, or conversion of monies received in the course of doing insurance business.

8. The insurable interests of the public are not properly served under respondent's license.

Applicable Law

9. K.S.A. 2006 Supp. 40-4909(a) provides, in relevant part that the Commissioner may revoke any license issued under this act if the commissioner finds that the license holder either (4) Improperly withheld, misappropriated or converted any moneys or properties received in the course of doing insurance business or (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.

Further, KSA 2006 Supp. 4909(b) authorizes the Commissioner to revoke an insurance agent's license if the commissioner finds that the insurable interests of the public are not properly served under the license.

10. Based on the facts and circumstances set forth herein, it appears that the use of summary proceedings in the 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 provisions of law and the protection of the public interest does not require KID to give notice and opportunity to participate to persons other than Respondent, Molly Cowan.

IT IS THEREFORE ORDERED, BY THE COMMISSIONER OF INSURANCE the Kansas resident insurance agent's license of Molly Cowan is hereby REVOKED.

IT IS FURTHER ORDERED, that Molly Cowan 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.

Notice of Right to Hearing or Appeal

You are entitled to a hearing pursuant to K.S.A. § 77-537, the Kansas Administrative Procedure Act. If you desire a hearing, you must file a written request for a hearing with:

John W. Campbell, General Counsel
Kansas Insurance Department
420 S.W. 9th Street
Topeka, Kansas 66612.

This request must be filed within fifteen (15) days from the date of service of this Order. If you request a hearing, the Kansas Insurance Department will notify you of the time and place of the hearing and information on the procedures, right of representation, and other rights of parties relating to the conduct of the hearing, before commencement of same.

If a hearing is not requested in the time and manner stated above, this Order shall become effective as a Final Order upon the expiration of time for requesting a hearing, pursuant to K.S.A. 77-613. In the event that you file a petition for judicial review, pursuant to K.S.A. 77-

613(e), the agency officer to be served on behalf of the Kansas Insurance Department is:

John W. Campbell, General Counsel
Kansas Insurance Department
420 S.W. 9th Street
Topeka, Kansas 66612.

**IT IS SO ORDERED THIS 7th DAY OF MARCH, 2007, IN THE CITY OF
TOPEKA, COUNTY OF SHAWNEE, STATE OF KANSAS.**



 /s/ Sandy Praeger

Sandy Praeger

Commissioner of Insurance

BY:

 John W. Campbell

John W. Campbell

General Counsel

Certificate of Service

The undersigned hereby certifies that a true and correct copy of the above and foregoing **Summary Order and Notice of Summary Order** on this 7th day of March, 2007, by placing the same in the United States Mail, first class postage prepaid, addressed to the following:

Molly Cowan
6701 W. 202nd Terrace
Bucyrus, Kansas 66013.

 /s/ Ralph DeZago
Ralph DeZago
Staff Attorney