

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

FINAL ORDER

Effective: 03-23-07

**In the Matter of the Kansas Nonresident)
Insurance Agent's License of)
KATHRYN J. GUNTHER)**

Docket No. 3620-SO

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, the Commissioner hereby revokes the nonresident agent's license of Respondent Kathryn J. Gunther 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 Respondent is licensed as a nonresident agent to transact the business of insurance in the State of Kansas, and has been so licensed since March 27, 2006. KID records further indicate a legal and mailing address of 1261 Christopher Drive, #7, Neenah, Wisconsin, 54956.
2. By order dated December 27, 2006 and effective December 22, 2006, Respondent's Wisconsin insurance producer's license was revoked for failure to pay tax.
3. To date, Respondent has not notified KID of the action.

Applicable Law

4. 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 Annotates, and amendments thereto, or any rule and regulation promulgated thereunder . . . [or](9) Had an insurance agent license, or its equivalent, denied, suspended or revoked in any other state, district or territory. . . ." K.S.A. 2006 Supp. 40-4909(a).

5. 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 is disciplinary action against the agent's license by the insurance regulatory official of any other state or territory. K.A.R. § 40-7-9.

6. K.S.A. 2006 Supp. 40-4906 and 4908 provide for issuance of a nonresident agent's license in reliance upon the agent's valid license in the agent's home state.

7. 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. 2006 Supp. 40-4909(b).

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 concludes that Respondent's Kansas license may be revoked solely because Respondent has had an agent's license or its equivalent revoked in another state.

10. The Commissioner concludes, in addition, that Respondent's Kansas license may be revoked because it is based on reciprocity, and Respondent's license in her home state of Wisconsin has been revoked.

11. The Commissioner also concludes that Respondent's license may be revoked because Respondent has violated the regulation requiring an agent to report a disciplinary action taken by another regulatory authority against a professional license.

12. Accordingly, the Commissioner concludes that sufficient grounds exist for the revocation of the insurance agent's license of Kathryn J. Gunther pursuant to K.S.A. 2006 Supp. 40-4909(a).

13. In addition, the Commissioner finds that the insurance agent's license of Kathryn J. Gunther should be revoked without delay for the protection of the insurable interests of the public pursuant to K.S.A. 2006 Supp. 40-4909(b).

14. 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 KID to give notice and opportunity to participate to persons other than Kathryn J. Gunther.

IT IS THEREFORE ORDERED BY THE COMMISSIONER OF INSURANCE THAT the Kansas nonresident insurance agent's license of Kathryn J. Gunther is hereby **REVOKED.**

IT IS FURTHER ORDERED that the respondent mary Kathryn L. Gunther 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 5th DAY OF MARCH, 2007, 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 a true and correct copy of the above and foregoing Summary Order was served by placing the same in the United States Mail, first class postage prepared, on this __5th__ day of March, 2007, addressed to the following:

Kathryn J. Gunther
1261 Christopher Drive, #7
Neenah, Wisconsin, 54956

_____/s/ Ralph DeZago_____
Ralph DeZago
Staff Attorney