

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

FINAL ORDER Effective: 03-19-07
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In the Matter of the Kansas Nonresident)	
Insurance Agent's License of)	Docket No. 3624-SO
KHANH TRAN)	

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 KHANH TRAN 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 May 3, 2005. KID records further indicate a legal address of 3354 S. Flower Street, Apt. 64, Lakewood, Colorado, 80227-4661 and mailing address of 3404 S. Shrank Court, Independence, MO, 64055-3858.
2. By letters dated March 30, 2006, May 31, 2006, June 30, 2006, August 31, 2006 and October 30, 2006, KID has requested that respondent submit a completed address change form, a letter of certification from respondent's current state of residence, or a copy of respondent's new license, and an AG11 to add respondent to any licensed agency respondent may be affiliated with or respondent's company(ies) need to appoint respondent in Kansas.
3. Respondent has not responded to KID's communications noted hereinabove.

4. K.A.R. 40-7-9 requires any person licensed in Kansas to report to KID within thirty (30) days a new residence in writing. This fact was transmitted to respondent in the aforementioned communications.

Applicable Law

5. K.S.A. 2006 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 . . . K.S.A. 2006 Supp. 40-4909(a)

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 failed to comply with K.A.R. 40-7-9.

10. Accordingly, the Commissioner concludes that sufficient grounds exist for the revocation of the insurance agent’s license of KHANH TRAN pursuant to K.S.A. 2006 Supp. 40-4909(a).

11. In addition, the Commissioner finds that the insurance agent's license of KHANH TRAN 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).

12. 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 KHANH TRAN.

IT IS THEREFORE ORDERED BY THE COMMISSIONER OF INSURANCE THAT the Kansas nonresident insurance agent's license of KHANH TRAN is hereby **REVOKED**, effective the effective date of this order.

IT IS FURTHER ORDERED that the respondent KHANH TRAN 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 28th DAY OF FEBRUARY, 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 she served a true and correct copy of the above and foregoing **Notice** and **Summary Order** on this 28th day of February 2007, by causing the same to be deposited in the United States Mail, first class postage prepaid, addressed to the following:

KHANH TRAN
3404 S. Shrank Court
Independence, MO 64055-3858

KHANH TRAN
3354 S. Flower Street, Apt. 64
Lakewood, CO 80227-4661

_s/ Ralph J. DeZago_____

Ralph J. De Zago