

BEFORE THE COMMISSIONER OF INSURANCE
OF THE STATE OF KANSAS

FINAL ORDER

Effective: 05-30-07

In the Matter of the Kansas)
Non-Resident Insurance Agent's License of)
THOMAS C. MCGEE)

Docket No. 3660-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 proposes to find facts and impose sanctions against the Non-Resident Insurance Agent's License of **THOMAS C. MCGEE** ("**McGee or Respondent**") by way of Summary Order as provided by K.S.A. 77-537.

Findings of Fact

The Commissioner finds the following facts from Kansas Insurance Department ("KID") files:

1. Records maintained by KID indicate that Respondent is licensed as a non-resident agent to transact the business of insurance in Kansas and has been so licensed since August 11, 2006. The Respondent currently holds no company appointments.
2. Respondent disclosed on his application that he was convicted in the Circuit Court of Jackson County, Missouri at Kansas City of Attempted Felony Arson in the 1st degree, a Class C felony, in violation of Missouri Statute Section 569.040, RSMo, on February 20, 2001.
3. KID records further indicate both a legal address and a mailing address of 3620 Independence Ave., Kansas City, Missouri 64124.

4. On March 12, 2007, Respondent's Missouri Bail Bond Agent License was cancelled by the Missouri Department of Insurance.

Applicable Law

K.S.A. 2006 Supp. 40-4909 provides, in pertinent part:

- (a) "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;
 - (9) Had an insurance agent license, or its equivalent, denied, suspended, or revoked in any other state or territory.

K.S.A. 2006 Supp. 40-4909 provides, in pertinent part:

- (b) "In addition, the commissioner may suspend, revoke or refuse renewal of any license issued under this act if the commissioner finds that the interests of the insurer or the insurable public are not properly served under such license."

K.S.A. 2006 Supp. 40-4909 provides, in pertinent part:

- (e) None of the following actions shall deprive the commissioner of any jurisdiction or right to institute or proceed with any disciplinary proceeding against such license, to render a decision suspending, revoking, or refusing to renew such license or to establish and make a record of the facts of any violation of law for any lawful purpose:
 - (2) the lapse or suspension of any license issued under this act by operation of law;
 - (3) the licensee's failure to renew any license issued under this act;

Conclusions of Law

5. The Commissioner has jurisdiction over Respondent as well as the subject matter of this proceeding, and such proceeding is held in the public interest. The Commissioner finds, based on the facts contained in paragraphs #1 through #4 above and the Applicable Law that:

6. Respondent was convicted of Attempted Arson in the 1st degree, a Class C felony in the Circuit Court of Jackson County, Missouri at Kansas City in violation of Missouri Statute Section 569.040 RSMo.
7. The Commissioner concludes that sufficient grounds exist for the revocation of Respondent's Non-Resident Agent's License pursuant to K.S.A. 2006 Supp. 40-4909(a)(9)
8. The Commissioner concludes that sufficient grounds exist for the revocation of Respondent's Non-Resident Agent's License pursuant to K.S.A. 2006 Supp. 40-4909(e)(2).
9. The Commissioner concludes that sufficient grounds exist for the revocation of Respondent's Non-Resident Agent's License pursuant to K.S.A. 2006 Supp. 40-4909(e)(3).
10. 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 public interest does not require the KID to give notice and opportunity to participate to persons other than THOMAS C. MCGEE.

IT IS THEREFORE ORDERED BY THE COMMISSIONER OF INSURANCE THAT:

1. The Kansas Non-Resident Insurance Agent's License of THOMAS C. MCGEE is hereby **REVOKED**.
2. It is further ordered, that THOMAS C. MCGEE 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.

3. The Commissioner of Insurance retains jurisdiction over this matter to issue any and all further Orders deemed appropriate or to take such further action as necessary to dispose of this matter.

IT IS SO ORDERED THIS 11th DAY OF MAY, 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

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 Kansas Insurance Department is:

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

CERTIFICATE OF SERVICE

The undersigned hereby certifies that he served a true and correct copy of the above and foregoing **SUMMARY ORDER** and **NOTICE OF SUMMARY ORDER** on this 11th day of May, 2007, by placing it postage prepaid in the U.S. Mail to:

Thomas C. McGee
3620 Independence Ave.
Kansas City, Missouri 64124

 /s/ Zachary J.C. Anshutz _____
Zachary J.C. Anshutz
Staff Attorney

