

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

In the Matter of the Kansas Resident -)
Insurance Agent’s License of) **Docket No. 3631-SO**
DEREK J. BARTH)

AMENDED FINAL 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), the Commissioner revoked the resident insurance agent’s license of DEREK J. BARTH, by way of Summary Order as provided by K.S.A. 77-537 effective March 26, 2007. The Commissioner hereby amends the Final Order to reflect DEREK J. BARTH was convicted of the felony crime of Attempted Aggravated Indecent Liberties with A Child.

Findings of Fact

The Commissioner has been shown the following:

1. Records maintained by the Kansas Insurance Department (“KID”) indicate that Respondent, DEREK J. BARTH is licensed as a resident agent to transact the business of insurance in Kansas.
2. KID records further indicate a legal and mailing address for respondent as 9509 E. Greenbrier Street, Wichita, KS, 67226-2173.
3. KID records further indicate that respondent was issued a resident license on November 12, 2004.
4. In Butler County Kansas District Court case number 06-CR-291, respondent was convicted of the felony crime of attempted aggravated indecent liberties with a child subsequent to the issuance of his license. Sentencing is set for March 29, 2007.

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.
6. The respondent has been convicted of a felony and that, therefore, the Commissioner may revoke the respondent's insurance agent's license.

Applicable Law

7. K.S.A. 2006 Supp. 40-4909a provides in relevant part: “. . . the commissioner may: . . . revoke 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.
8. 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 law and the protection of the public interest does not require KID to give notice and opportunity to participate to persons other than the respondent, DEREK J. BARTH.

IT IS THEREFORE ORDERED BY THE COMMISSIONER OF INSURANCE THAT the non-resident insurance agent's license of DEREK J. BARTH is hereby REVOKED, effective the effective date of this Order.

IT IS FURTHER ORDERED that respondent DEREK J. BARTH 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 16th DAY OF JULY, 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 prepaid, on this 16th day of July, 2007, addressed to the following:

Derek J. Barth
9509 E. Greenbrier Street
Wichita, Kansas 67226-2173

_s/ Zachary J.C. Anshutz_____

Zachary J.C. Anshutz
Staff Attorney