

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

FINAL ORDER Effective: 07-24-07
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In the Matter of the Kansas Nonresident)
Insurance Agent's License of)
GUY G. CARDINALE)

Docket No. 3683-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 GUY G. CARDINALE ("Respondent") 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 insurance agent to transact the business of insurance in the State of Kansas, and has been so licensed since 12/30/2003. KID records further indicate a legal and mailing of 142 Linden Dr., Fair Haven, New Jersey 07704.
 - a. The National Association of Insurance Commissioners ("NAIC") Regulatory Information Retrieval System ("RIRS") database reflects the following information:
 - i. Respondent's Virginia insurance producer's license was surrendered on October 23, 2006 due to demonstrated lack of fitness or trustworthiness.

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- ii. Respondent's Connecticut insurance producer's license was voluntarily surrendered, effective February 13, 2007 due to Criminal Proceedings.
- iii. Respondent's Massachusetts insurance producer's license was voluntarily surrendered, effective March 7, 2007 for Criminal Proceedings.
- iv. Respondent's Louisiana insurance producer's license was voluntarily surrendered, effective April 3, 2007 due to a felony conviction in Respondent's home state.
- v. To date, KID has not received any notification from Respondent regarding the surrender of Respondent's insurance agent's license in the State of Louisiana.

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...
 - (2) Violated
 - (A) Any provision of chapter 40 of the Kansas Statutes Annotated, and amendments thereto, or any rule and regulation promulgated thereunder;
 - (6) Been convicted of a misdemeanor or felony.
- (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 interest of the public are not properly served under such license.

K.A.R. 40-7-9 provides, in pertinent part:

Each person licensed in this state as an insurance agent shall report the following to the commissioner of insurance within 30 days of occurrence:

- (a) Each disciplinary action on the agent's license or licenses by the insurance regulatory agency of any other state or territory of the United States;
- (c) all details of any conviction of a misdemeanor or felony. The details shall include the name of the arresting agency, the location and date of the arrest, the nature of the charge or charges, the court in which the case was tried, and the disposition rendered by the court.

Conclusions of Law

2. The Commissioner has jurisdiction over Respondent as well as the subject matter of this proceeding, and such proceeding is held in the public interest.
3. The Commissioner finds that Respondent's license may be revoked solely because Respondent was convicted of a felony.
4. The Commissioner concludes that Respondent violated the administrative regulation requiring a licensed agent to report disciplinary action other states within 30 days by failing to report the disciplinary action in Louisiana, Connecticut, Massachusetts, and Virginia.
5. The Commissioner concludes Respondent's Kansas nonresident insurance agent's license should be revoked pursuant to K.S.A. 2006 Supp. 40-4909(b) for the protection of the insurable interests of the public.
6. The Commissioner concludes that sufficient grounds exist for the revocation of the Kansas nonresident insurance agent's license of GUY G. CARDINALE pursuant to K.S.A. 2006 Supp. 40-4909 and K.A.R. 40-7-9.

7. 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 does not require KID to give notice and opportunity to participate to persons other than GUY G. CARDINALE.

IT IS THEREFORE ORDERED BY THE COMMISSIONER OF INSURANCE THAT the Kansas Nonresident Insurance Agent's License of GUY G. CARDINALE is hereby **REVOKED.**

IT IS FURTHER ORDERED that Respondent GUY G. CARDINALE 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 RIGHTS

GUY G. CARDINALE ("Respondent") is entitled to a hearing pursuant to K.S.A. 77-537, the Kansas Administrative Procedure Act. If Respondent desires a hearing, Respondent 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 Respondent requests a hearing, the Kansas Insurance Department will notify Respondent 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 the 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 Respondent files 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:

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

**IT IS SO ORDERED THIS 5th 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

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that he served the above and foregoing Summary Order on this 5th day of July, 2007 by causing the same to be deposited in the United States Mail, first class postage prepaid, addressed to the following:

Guy G. Cardinale
142 Linden Dr.
Fair Haven, New Jersey 07704

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