

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

In the Matter of)
)
Blue Valley Insurance Agency, Inc.)
)
) Docket No. 3753-CO
)

CONSENT ORDER

The Kansas Insurance Department (“KID”) and Blue Valley Insurance Agency, Inc., (“Blue Valley”) wish to resolve an incident arising out of the complaint concerning a certificate of insurance for DNJ Construction. Pursuant to the authority granted to the Commissioner of Insurance (“Commissioner”) by K.S.A. 40-4909, K.S.A. 40-2404, K.S.A. 40-103 *et seq.* and K.S.A. 77-501 *et seq.*, the Commissioner hereby agrees to the terms of this Consent Order and accepts Blue Valley Insurance Agency Inc.’s, tender of payment in the amount of \$1,000.00 in exchange for dismissal of this action with prejudice.

Findings of Fact

KID and Blue Valley agree to the following findings of fact:

1. Blue Valley Insurance Agency, Inc. (“Blue Valley”) located at 7311 W. 132nd Street, Suite 100, Overland Park, Kansas 66213, has been authorized to transact insurance business in the State of Kansas.
2. On or about August 30, 2007, a complaint referral from an attorney named Tim Elliott against the above-named insurance agency was received at the Kansas Insurance Department.

3. The complaint was assigned to Ezra J. Ginzburg, Staff Attorney, for his review to determine if any violation of law had taken place.
4. The complaint alleged that a Certificate of Insurance had been issued by the Blue Valley Insurance Agency for DNJ Construction Inc., yet there was no insurance policy issued
5. The Kansas Insurance Department (“KID”) has jurisdiction over the Respondent as well as the subject matter pursuant to K.S.A. 40-4909(h)(2), K.S.A. 40-103 *et seq*, and K.S.A. 77-501.
6. In lieu of filing a Summary Order alleging any violation of law arising out of Blue Valley’s conduct in this complaint and in lieu of further administrative litigation in this matter by the Kansas Insurance Department for alleged violations of law as defined in K.S.A. 40-2404 or K.S.A. 40-4909, both KID and Blue Valley have jointly agreed to the terms of this Consent Order.
7. KID and Blue Valley jointly agree that Blue Valley will pay the sum of One Thousand Dollars (\$1,000.00), pursuant to K.S.A. 40-4909(h)(2) and KID will dismiss this action with prejudice.
8. KID acknowledges that Blue Valley admits no liability whatsoever in agreeing to this Consent Order. The payment made pursuant to this agreement shall not be construed in any fashion as an admission of liability on behalf of Blue Valley or as an admission that Blue Valley was in any way at fault or committed any wrongful acts for the purposes of this

administrative action or for the purposes of any other litigation, administrative or civil. Blue Valley agrees to report this Consent Order and all circumstances surrounding the complaint in this case from Tim Elliott concerning the certificate of insurance.

Applicable Law

1. K.S.A. 77-501 *et seq.* – The Kansas Administrative Procedures Act
2. K.S.A. 77-601 *et seq.* – The Act for Judicial Review and Civil Enforcement of Agency Action.
3. K.S.A. 40-4909;
4. K.S.A. 40-2404 *et seq.*—Unfair and Deceptive Acts and Practices

Conclusions of Law

IT IS, THEREFORE, AGREED UPON BY THE COMMISSIONER OF INSURANCE AND BLUE VALLEY INSURANCE AGENCY “BLUE VALLEY”):

- a. Blue Valley agrees to make a payment of One Thousand Dollars (\$1,000) to KID in exchange for the dismissal of this action with prejudice.
9. KID acknowledges that Blue Valley admits no liability whatsoever in agreeing to this Consent Order. The payment made pursuant to this agreement is in settlement of disputed claims and shall not be construed in any fashion as an admission of liability on behalf of Blue Valley or as an admission that Blue Valley was in any way at fault or committed any wrongful acts for the purposes of this administrative action or for the purposes of any other litigation, administrative or civil, arising out of this

incident including.

10. The fact of this payment, the settlement negotiations between KID and Blue Valley and the entry of this Consent Order shall not be admissible in evidence in any respect.
 - a. Upon the entry of this Consent Order this action shall be dismissed with prejudice.
 - b. The entry of this Consent Order is based upon a strict compromise of disputed issues between KID and Blue Valley and may not be used as evidence in any other proceeding.
 - c. Blue Valley shall deliver, within twenty (20) days of the entry of this Order, the sum of One Thousand Dollars (\$1,000) to Ezra J. Ginzburg, KID Staff Attorney, on behalf of the Kansas Insurance Department.
 - d. If payment is not made as required, KID may vacate and/or declare this Consent Order void and proceed with a Summary Order and a hearing.

IT IS SO ORDERED THIS 6th DAY OF NOVEMBER, 2007, IN THE CITY OF TOPEKA, COUNTY OF SHAWNEE, STATE OF KANSAS.



Sandy Praeger
Commissioner of Insurance

By: /s/ John W. Campbell
John W. Campbell
General Counsel

Blue Valley Insurance Agency, Inc.

By: Tim Obringer

Certificate of Service

The undersigned hereby certifies that he served a true and correct copy of the above and foregoing Consent Order on this 6th day of November, 2007, by placing the same in the United States Mail, first class postage prepaid, addressed to the following:

Tim Obringer, President
Blue Valley Insurance Agency
7311 W. 132nd Street
Overland Park, Kansas 66213

/s/ Ezra J. Ginzburg
Ezra J. Ginzburg
Staff Attorney