

FINAL ORDER

Effective: 11-26-07

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

In the Matter of the Kansas Resident)
Insurance Agent’s License of)
JEREMY T. HESTON)

Docket No. 3680–SO

NOTICE OF PROPOSED DEFAULT ORDER

(Pursuant to K.S.A. 2006 Supp. 40-4909 and K.S.A. 77-520)

Pursuant to the authority granted to the Commissioner of Insurance (“Commissioner”) by K.S.A. 2006 Supp. 40-4909, and K.S.A. 77-520, the Presiding Officer hereby gives Notice of the Proposed Default Order revoking the Kansas Resident Insurance Agent’s License of Jeremy T. Heston (“Respondent”). This Proposed Default Order shall become effective seven (7) days after service if Respondent does not file a written motion requesting the Proposed Default Order be vacated.

STATEMENT OF GROUNDS

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 Kansas Resident Insurance Agent to transact the business of insurance and has been so since April 27, 2007.
2. KID records further indicate a legal and mailing address for Respondent of 16309 S. Lennox Ct., Olathe, Kansas 66062-9616.
3. On December 16, 2005, Respondent was convicted of the felony; Giving a Worthless Check; in the District Court of Johnson County, Kansas, Case No. 05CR3015.

4. On July 5, 2007, KID issued a Summary Order proposing to revoke Respondent's license pursuant to K.S.A. 40-4909(a)(6).
5. Mr. Heston timely requested a hearing in the above-captioned matter on July 11, 2007. Mr. Heston also informed KID his address had changed to 301 North 9th Street, Louisburg, Kansas and requested KID mail all pertinent information to that address.
6. On July 24, 2007, KID mailed the Notice of Prehearing Conference to be held on August 31, 2007 in the above-captioned matter.
7. On August 31, 2007 the Prehearing Conference in the above-captioned matter was held. Mr. Heston participated by telephone in the Conference.
8. On September 4, 2007, KID mailed the Notice of Hearing to Mr. Heston at the address Mr. Heston provided stating a hearing would be held on October 9, 2007 at 10:00 a.m.
9. On October 4, 2007, the above-captioned matter was continued until October 23, 2007 at 11:00 a.m. KID mailed the Notice of Continuance to Mr. Heston at the address requested.
10. On October 23, 2007 at 11:00 a.m., Mr. Heston failed to appear either in person or by telephone at the Hearing in the above-captioned matter.

Applicable Law

11. K.S.A. 77-520 provides, in pertinent part:
 - (a) If a party fails to attend or participate in a prehearing conference, hearing or other stage of an adjudicative proceeding, the presiding officer may serve upon all parties written notice of a proposed default order, including a statement of the grounds.

- (b) Within seven days after service of the proposed default order, the party against whom it was filed may file a written motion requesting that the proposed default order be vacated and stating the grounds relied upon. During the time within which a party may file a written motion under this subsection, the presiding officer may adjourn the proceedings or conduct them without the participation of the party against whom a proposed default order was issued, having due regard for the interests of justice and the orderly and proper conduct of the proceedings.
 - (c) The proposed default order shall become effective after expiration of the time within which the party may file a written motion under subsection (b) unless a written motion to vacate the order is filed with the agency within such time. Upon receipt of a motion to vacate a proposed default order, the presiding officer shall either vacate the proposed order or issue the default order as proposed. If the presiding officer issues a default order as proposed the order shall become effective upon service.
 - (d) After a default order becomes effective, the presiding officer shall conduct any further proceedings necessary to complete the adjudication without the participation of the party in default and shall determine all issues in the adjudication, including those affecting the defaulting party.
12. 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.
 - (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 interests of the public are not properly served under such license.

Conclusions of Law

The Commissioner has jurisdiction over Respondent as well as the subject matter of this proceeding and such proceeding is held in the public interest.

13. Respondent was convicted of a felony; Giving a Worthless Check; in the District Court of Johnson County on December 16, 2005, Case No. 05CR3015.

14. Pursuant to the authority granted to the Commissioner by K.S.A. 2006 Supp. 40-4909(a)(6), the Respondent's felony conviction constitutes grounds for revocation of Respondent's Kansas Resident Insurance Agent's License.
15. The Commissioner finds, pursuant to K.S.A. 77-520, that Respondent is in default for failure to appear at the October 23, 2007 hearing in the above-captioned matter.

IT IS THEREFORE ORDERED BY THE COMMISSIONER OF INSURANCE THAT this administrative proceeding is dismissed, and the Kansas Resident Insurance Agent's License of Jeremy T. Heston is hereby **REVOKED**.

IT IS FURTHER ORDERED Jeremy Heston shall pay an administrative penalty in the amount of \$50.00 to pay the appearance fee of the Court Reporter in the above-captioned matter.

NOTICE OF RIGHTS
(Pursuant to K.S.A. 77-520)

Pursuant to K.S.A. 77-520, Respondent may file a written motion requesting that the proposed default order be vacated and stating the grounds relied upon. The proposed default order shall become effective after expiration of the time within which the party may file a written motion under subsection (b) unless a written motion to vacate the order is filed with the agency within such time. Upon receipt of a motion to vacate a proposed default order, the presiding officer shall either vacate the proposed order or issue the default order as proposed. If the presiding officer issues a default order as proposed, the order shall become effective upon service.

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:

John W. Campbell, General Counsel

Kansas Insurance Department
420 S.W. 9th Street
Topeka, Kansas 66612

**IT IS SO ORDERED THIS 7th DAY OF NOVEMBER, 2007, IN THE CITY OF
TOPEKA, COUNTY OF SHAWNEE, STATE OF KANSAS.**



/s/ Robert M. Tomlinson
Robert M. Tomlinson
Assistant Commissioner of
Insurance/Hearing Officer

Prepared By:

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

Certificate of Service

The undersigned hereby certifies that a true and correct copy of the above and foregoing Notice of Proposed Default Order was served by placing the same in the United States Mail, first class, postage prepaid, on this 7th day of November, 2007, addressed to the following:

Jeremy T. Heston
301 North 9th Street
Louisburg, Kansas 66053
Respondent

And

Zachary J.C. Anshutz
Kansas Insurance Department
420 S.W. 9th Street
Topeka, Kansas 66612
*Counsel for the Kansas Insurance
Department*

/s/ Jana L. Beethe
Jana L. Beethe
Legal Assistant