

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

**FINAL ORDER**

**Effective: 08-20-07**

In the Matter of the Kansas Nonresident )  
Insurance Agent's License of )  
**MARIKA L. MERRITT** )

Docket No. 3697-SO

**Summary Order**

(Pursuant to K.S.A. 2006 Supp. 40-4909 and K.S.A. 77-501 *et seq.*)

Pursuant to the authority granted to the Commissioner of Insurance ("Commissioner") by K.S.A. 2006 Supp. 40-4909, the Commissioner hereby revokes the nonresident insurance agent's license of MARIKA L. MERRITT ("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 Respondent is licensed as a nonresident agent to transact the business of insurance in the State of Kansas and has been so licensed since 5/09/05. KID records further indicate a mailing address of 1312 Chelbrook Rd., Chesapeake, Virginia 23322.
2. The National Association of Insurance Commissioners ("NAIC") Regulatory Information Retrieval System ("RIRS") database reflects the following information:
  - a. Respondent's New York agent's license was revoked on 2/28/07 due to a Demonstrated Lack of Fitness or Trustworthiness; Misstatement on Application; Failure to Make Required Disclosure on License Application.

- b. Respondent's South Carolina Producer's license was revoked on 2/23/07 due to a Failure to Respond; Failure to Make Required Disclosure on License Application.
- c. Respondent's Virginia Producer's license was revoked on 7/12/07 due to a Failure to Respond; Failure to Make Required Disclosure on License Application.

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

K.S.A. 2006 Supp. 40-4906 and K.S.A. 2006 Supp. 40-4908 provide for issuance of a nonresident insurance agent's license in reliance upon the agent's valid license in the agent's home state.

### **Conclusions of Law**

The Commissioner has jurisdiction over the 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 Kansas nonresident insurance agent's license may be revoked solely because Respondent has had an agent's license or its equivalent revoked in another state.
4. The Commissioner finds that Respondent's Kansas nonresident insurance agent's license may be revoked because the license is based on reciprocity, and Respondent's license in her home state of Virginia has been revoked.
5. Accordingly, the Commissioner concludes that sufficient grounds exist for the revocation of the nonresident insurance agent's license of Respondent pursuant to K.S.A. 2006 Supp. 40-4909(a).
6. The Commissioner finds that the nonresident insurance agent's license of Respondent should be revoked without delay for the protection of the insurable interests of the public pursuant to K.S.A. 2006 Supp. 40-4909(b).
7. Based on the facts and circumstances set forth herein, it appears the use of summary proceedings in this matter are 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 interest does not require the KID to give notice and opportunity to participate to persons other than MARIKA L. MERRITT.

**IT IS THEREFORE ORDERED BY THE COMMISSIONER OF INSURANCE THAT** the Kansas nonresident insurance agent's license of MARIKA L. MERRITT is hereby **REVOKED** effective the effective date of this Order.

**IT IS FURTHER ORDERED** that MARIKA L. MERRITT 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**

MARIKA L. MERRITT (“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. 9<sup>th</sup> 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 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:

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

**IT IS SO ORDERED THIS \_\_1st\_\_ DAY OF \_\_August\_\_, 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 and Notice of Rights was served by placing the same in the United States Mail, first class postage prepaid, on this \_\_1st\_\_ day of \_\_\_\_August\_\_\_\_, 2007, addressed to the following:

Marika L. Merritt  
1312 Chelbrook Rd.  
Chesapeake, Virginia 23322

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