

FINAL ORDER

Effective: 12-28-07

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

In the Matter of the Kansas)
Nonresident Insurance Agent’s License of) Docket No. 3747-SO
DAVID THOMASON)

SUMMARY ORDER

(Pursuant to K.S.A. 2005 Supp. 40-4909 and K.S.A. 77-501)

Pursuant to the authority granted to the Commissioner of Insurance (“Commissioner”) by K.S.A. 40-4909, the Commissioner hereby revokes the nonresident agent’s license of Respondent, David Thomason. This Summary Order shall become effective as a Final Order, without further notice, upon the expiration of the fifteen (15) day period if no request for hearing is made, pursuant to K.S.A. 77-542.

Findings of Fact

The Commissioner finds 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 Kansas, and has been so licensed since May 18, 2006.
2. KID records indicate a legal and mailing address of PO Box 6671, Glendale, AZ 85312-6671.
3. The National Association of Insurance Commissioners (“NAIC”) Regulatory Information Retrieval System (“RIRS”) database reflects the following actions: State of South Dakota Department of Insurance revoked the license of the Respondent for failure to respond/failure to notify department of address change/failure to report other state action, effective May 11, 2007; State of Utah

Department of Insurance revoked the Respondent's license for failure to comply with previous order, effective August 13, 2007.

4. To date, Respondent has failed to notify KID of the action taken by the State of Utah and the State of South Dakota.

Applicable Law

5. K.S.A. 40-4909 states, 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;
 - (C) any insurance law or regulation of another state;
 - (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.
6. K.A.R. 40-7-9 states, 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.

Conclusions of Law

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

8. The Commissioner finds that Respondent's Kansas license may be revoked because Respondent violated an insurance law or regulation in another state pursuant to K.S.A. 40-4909(a)(2)(C).
9. The Commissioner finds that Respondent's Kansas license may be revoked because Respondent's Utah and South Dakota license's were revoked, pursuant to K.S.A. 40-4909(a)(9).
10. The Commissioner finds that Respondent violated K.S.A. 2006 Supp. 40-4909(a)(2)(A) and K.A.R. 40-7-9 by failing to notify the Kansas Insurance Department of the disciplinary action taken by the State of Utah Department of Insurance on August 13, 2007 and the State of South Dakota Department of Insurance on May 11, 2007.
11. The Commissioner finds, pursuant to K.S.A. 40-4909(b), that the insurable interests of the public are not properly served under Respondent's license.
12. Accordingly, the Commissioner concludes sufficient grounds exist for the revocation of the insurance agent's license of David Thomason pursuant to K.S.A. 40-4909(a) and (b).

IT IS THEREFORE ORDERED BY THE COMMISSIONER OF INSURANCE THAT:

1. The Kansas Nonresident Insurance Agent's License of David Thomason is hereby **REVOKED** effective the effective date of this Order.
2. **IT IS FURTHER ORDERED** that DAVID THOMASON 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 AND OPPORTUNITY FOR HEARING

David Thomason, within fifteen (15) days of service of this Summary Order, may file with the Kansas Insurance Department a written request for hearing on this Summary Order, as provided by K.S.A. 77-542. In the event a hearing is requested, such request should be directed to:

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

Any costs incurred as a result of conducting any administrative hearing shall be assessed against the agent/agency who is the subject of the hearing as provided by K.S.A. 40-4909(f). Costs shall include witness fees, mileage allowances, any costs associated with reproduction of documents which become part of the hearing record, and the expense of making a record of the hearing.

If a hearing is not requested, this Summary Order shall become effective as a Final Order, without further notice, upon the expiration of the fifteen (15) day period for requesting a hearing. The Final Order will constitute final agency action in the matter.

In the event the Petitioner files a petition for judicial review, the agency officer designated pursuant to K.S.A. 77-613(e) to receive service of a petition for judicial review on behalf of the Kansas Insurance Department is:

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

IT IS SO ORDERED THIS 29th DAY OF NOVEMBER, 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 she served the above and foregoing Summary Order on this 29th day of November, 2007, by causing the same to be deposited in the United States Mail, first class postage prepaid, addressed to the following:

David Thomason
PO Box 6671
Glendale, AZ 85312-6671

/s/ Stacy R. Bond
Stacy R. Bond
Staff Attorney