

4. Documentation from the New York Insurance Department indicates Wells Fargo received the following fines:
 - a. A \$500 fine in June 2005 by the New Jersey Department of Insurance.
 - b. A \$2,000 fine in September 2005 by the Pennsylvania Department of Insurance.
 - c. A \$200 fine in November 2005 by the Delaware Department of Insurance.
 - d. A \$500 fine in August 2006 by the Massachusetts Department of Insurance.
5. Wells Fargo failed to report the above fine amounts to KID. KID became aware of the fines imposed by the states through a July 9, 2007 letter from the New York Insurance Department to Wells Fargo which was provided with Wells Fargo's July 19, 2007 letter notifying KID of the New York Insurance Department fine.

Applicable Law

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;
 - (C) any insurance law or regulation of another state;
- (h) In lieu of taking any action under subsection (a), the commissioner may:
 - (2) issue an order imposing an administrative penalty up to a maximum of \$500 for each violation...If such person knew or reasonably should have known the violative act could give rise to any disciplinary proceeding authorized by subsection (a), the commissioner may impose a penalty up to a maximum of \$1,000 for each violation...

K.S.A. 40-2,125 states, in pertinent part:

- (a) If the commissioner determines after notice and opportunity for a hearing that any person has engaged or is engaging in any act or practice constituting a violation of

any provision of Kansas insurance statutes or any rule and regulation or order thereunder, the commissioner may in the exercise of discretion, order any one or more of the following:

- (1) Payment of a monetary penalty of not more than \$1,000 for each and every act or violation, unless the person knew or reasonably should have known such person was in violation of the Kansas insurance statutes or any rule and regulation or order thereunder, in which case the penalty shall be not more than \$2,000 for each and every act or violation.

Conclusions of Law

Based upon the Findings of Fact enumerated in Paragraph #1 through #5 and the Applicable Law above, the Commissioner concludes:

IT IS THEREFORE ORDERED BY THE COMMISSIONER OF INSURANCE

THAT Kansas nonresident insurance agency Wells Fargo Insurance Services of Ohio, LLC. Is hereby ordered to pay a monetary penalty in the amount of ONE THOUSAND DOLLARS AND 00/100 (\$1,000.00) for the above-stated violation of K.S.A. 2006 Supp. 40-4909(a)(2)(C) on or before the effective date of this Order.

Notice of Rights **(Pursuant to K.S.A. 77-542)**

Wells Fargo Insurance Services of Ohio, LLC (“Wells Fargo”) is entitled to a hearing pursuant to K.S.A. 77-537 and K.S.A. 77-542, the Kansas Administrative Procedure Act. If Wells Fargo desires a hearing, the agency 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 Wells Fargo requests a hearing, the Kansas Insurance Department will notify Wells Fargo 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 Wells Fargo 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 22nd DAY OF OCTOBER, 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 he served a true and correct copy of the above and foregoing Summary Order and Notice of Rights on this 22nd day of October, 2007, by causing the same to be deposited in the United States Mail, first class postage prepaid, addressed to the following:

Ms. Kay Keck
Wells Fargo Insurance Services of Ohio, LLC
The Galleria and Tower at Erieview
1301 East Ninth Street
Suite 3800
Cleveland, OH 44114-1824

And

Mr. James Convertino
Wells Fargo Insurance Services of Ohio, LLC
1301 East Ninth Street
Suite 3800
Cleveland, OH 44114

/s/ Zachary J.C. Anshutz
Zachary J.C. Anshutz
Staff Attorney
Kansas Insurance Department