

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

In the Matter of the Kansas Resident     )  
Insurance Agent's License of             )  
**TROY D. BALL**                                 )

Docket No. 3626-SO

**FINAL ORDER**

On the 20<sup>th</sup> day of November, 2007, this matter came before the Presiding Officer Robert Tomlinson, Assistant Commissioner of Insurance, acting as agency head pursuant to K.S.A. 77-547. The Kansas Insurance Department appears by and through its attorney, Eliehue Brunson. Respondent appears by and through his attorney, Charles A. O'Hara.

Respondent was issued a Summary Order on February 28, 2007, for violation of K.A.R. 40-7-9, revoking his Kansas resident insurance agent's license. Respondent timely appealed the Summary Order and requested a hearing. Presiding Officer Tomlinson, hereby makes the following findings:

1. Records maintained by the Kansas Insurance Department ("KID") indicate that Respondent, Troy D. Ball, is licensed as a resident agent to transact the business of insurance in the State of Kansas, with a legal and mailing address of 1132 Ohio Street, Augusta, Kansas, 67010.
2. KID records further indicate that Respondent was issued a resident insurance agent's license in the State of Kansas on December 9, 2002.
3. Respondent was convicted of criminal discharge of a firearm in Butler County District Court, case #03-CR-140, and sentenced on March 4, 2004.

4. Respondent failed to report the felony conviction to KID within 30 days of its occurrence, pursuant to K.A.R. 40-7-9.

5. K.S.A. 40-4909(a) provides that "... the commissioner may: ... revoke ... any license issued under this act if the commissioner finds that the applicant or license holder has: (2) Violated: (A) Any provisions of Chapter 40 of the Kansas Statutes Annotated, and amendments thereto, or any rule or regulation promulgated thereunder; ..."

6. K.S.A. 40-4909(a)(6) further provides that "...the commissioner may ... revoke ... 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."

7. Respondent's contention that inasmuch as the felony he was convicted of had nothing to do with an insurance license, and therefore, was not reportable to KID, is found to be without merit.

8. No evidence was presented indicating that Respondent made any attempt to contact KID and report the conviction, nor that Respondent is relieved of any duty to report.

WHEREFORE, having considered the arguments of the parties and having been fully advised in the premises, the Presiding Officer hereby orders the following, to wit:

The findings in the Summary Order issued on February 28, 2007 are sustained and the Kansas resident insurance agent's license of Troy D. Ball is hereby revoked.

**Notice of Right to Judicial Review**

You have the right to judicial review in accordance with the provisions set forth in the Act for Judicial Review and Civil Enforcement of Agency Actions (K.S.A. 77-601, et seq., as amended). In the event that you file 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 SW 9th Street, Topeka, Kansas 66612-1678.

**IT IS SO ORDERED THIS \_\_5th\_\_ DAY OF MARCH, 2008, IN THE CITY OF TOPEKA, COUNTY OF SHAWNEE, STATE OF KANSAS.**



\_\_\_\_\_/s/ Robert M. Tomlinson\_\_\_\_\_  
Robert M. Tomlinson  
Presiding Officer  
Assistant Commissioner of Insurance

Prepared by:

\_\_\_\_\_/s/ Eliehue Brunson\_\_\_\_\_  
Eliehue Brunson  
Staff Attorney

**Certificate Of Service**

The undersigned hereby certifies that a true and correct copy of the above and foregoing **ORDER** was served via the United States Postal Service, first-class postage prepaid, on this   5th   day of March, 2008, addressed to the following:

Troy D. Ball  
1132 Ohio Street  
August, Kansas 67010  
*Respondent*

Charles A. O'Hara  
Attorney at Law  
1223 East First Street  
Wichita, Kansas 67214  
*Counsel for Respondent*

Eliehue Brunson (*hand delivered*)  
Staff Attorney  
Kansas Insurance Company  
420 S.W. 9<sup>th</sup> Street  
Topeka, Kansas 66612  
*Counsel for KID*

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