

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

In the Matter of the Kansas)
Resident Insurance Agent’s License of) Docket No. 3865-SO
JOSHUA BORCHARDT)
NPN #8596149)

SUMMARY ORDER

(Pursuant to K.S.A. 2007 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. 40-4909, the Commissioner hereby revokes the resident agent’s license of Respondent, Joshua Borchardt (“Mr. Borchardt”). 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 you are currently licensed as a resident agent to transact the business of insurance in the State of Kansas, and have been so licensed as a resident agent since October 12, 2007.
2. KID records further indicate a legal address and mailing address of 7120 Woodland Dr., Shawnee, KS 66218-9808.
3. On October 8, 2007 a letter was sent to you from Karen Evans, Senior Administrative Assistant, Producers Division of KID requesting that you immediately submit a completed address change form **or** sign onto our Producer Desktop and make your home/ mailing address changes yourself and to submit a letter of clearance from your previous state of residence **or** proof that your Missouri resident license has been cancelled or converted to a nonresident license.

4. On January 11, 2008, Karen Evans sent an email to you at joshua.borchardt@wausausa.com requesting that you advise why you have not canceled or converted your Missouri resident license to a nonresident license.
5. On January 14, 2008 a letter was sent to you at your Kansas address again requesting that you submit a letter of clearance from your previous state of residence **or** proof that your Missouri resident license has been cancelled or converted to a nonresident license and that KID needed an AG11 to add you to any licensed agency you may be affiliated with, or your company(ies) need to appoint you in Kansas.
6. On February 14, 2008, this same exact letter was sent to you again.
7. On March 14, 2008, again this same exact letter was sent to you with the following hand-written on the bottom of the page “if we cannot confirm by April 14,2008, that your MO resident license has been canceled or converted to a nonresident license, we will submit your file to our legal department for possible action against your KS license.
8. To date you have failed to respond to any of the inquiries sent to you by KID.
9. As of May 15, 2008, your Missouri license was still classified as a resident license.
10. On June 11, 2008 a letter was sent to you at your registered legal and mailing address asking you to provide any additional information in regard to paragraphs 1 through 9 above if you disagreed with those facts. This letter was not returned to KID and as of July 8, 2008, no response has been received by KID.

Applicable Law

11. K.S.A. 2006 Supp. 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 or regulation promulgated thereunder;
 - (8) Used any fraudulent, coercive, or dishonest practice, or demonstrated any incompetence, untrustworthiness or financial irresponsibility in the conduct of business in this state or elsewhere.
- (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

- 12. 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. The Commissioner finds that Respondent's conduct in failing to respond to five letters sent to Respondent from the Producers Division of KID and one letter sent to Respondent from the Legal Division of KID demonstrates incompetence in the conduct of business in this state a violation of K.S.A. 2007 Supp. 40-4909(a)(8).
- 14. 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.
- 15. Accordingly, the Commissioner concludes sufficient grounds exist for the revocation of the insurance agent's license of Joshua Borchardt pursuant to K.S.A. 2007 Supp. 40-4909(a) and (b).

IT IS THEREFORE ORDERED BY THE COMMISSIONER OF INSURANCE THAT:

1. The Kansas Resident Insurance Agent's License of JOSHUA BORCHARDT is hereby **REVOKED** effective the effective date of this Order.

2. **IT IS FURTHER ORDERED** that JOSHUA BORCHARDT 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

Joshua Borchardt, 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 10th DAY OF JULY, 2008, IN THE CITY OF TOPEKA, COUNTY OF SHAWNEE, STATE OF KANSAS.

In the Matter of the Kansas
Resident Insurance Agent's License of
Joshua Borchardt



_____/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
10th day of ___July_____, 2008, by causing the same to be deposited in the United States
Mail, first class postage prepaid, addressed to the following:

Joshua Borchardt
7120 Woodland Dr.
Shawnee, KS 66218-9808

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

NOTICE OF RIGHTS

Pursuant to K.S.A. §77-601 et seq. Joshua Borchardt is entitled to judicial review of this Final Order. The petition for judicial review must be filed within thirty (30) days of service of this Final Order (Plus three (3) days for service by mail pursuant to K.S.A. §77-531). In the event, Joshua Borchardt 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

CERTIFICATE OF SERVICE

The undersigned hereby certifies that she served the above and foregoing Final Order on this 5th day of August, 2008, by causing the same to be deposited in the United States Mail, first class postage prepaid, addressed to the following:

Joshua Borchardt
7120 Woodland Dr.
Shawnee, KS 66218-9808

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