

**FINAL ORDER**

**Effective: 03-26-08**

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

In the Matter of the Kansas Resident )  
Insurance Agent’s License of )  
**OMER A. BOWMAN JR.** )

Docket No. 3704–SO

**NOTICE OF PROPOSED DEFAULT ORDER**

(Pursuant to K.S.A. 2006 Supp. 40-4909 and K.S.A. 77-520)

Pursuant to the authority granted to the Commissioner of Insurance (“Commissioner”) by K.S.A. 2006 Supp. 40-4909, and K.S.A. 77-520, the Presiding Officer hereby gives Notice of the Proposed Default Order revoking the Kansas Resident Insurance Agent’s License of Omer A. Bowman Jr. (“Respondent”). This Proposed Default Order shall become effective seven (7) days after service if Respondent does not file a written motion requesting the Proposed Default Order be vacated.

**STATEMENT OF GROUNDS**

**Findings of Fact**

The Commissioner has been shown the following facts:

1. Records maintained by the Kansas Insurance Department (“KID”) indicate that Respondent is licensed as a Kansas Resident Insurance Agent to transact the business of insurance and has been so since June 25, 1982.
2. KID records further indicate a legal and mailing address for Respondent of 14737 Robinson, Overland Park, Kansas 66223-3489.
3. On August 20, 2007, KID issued a Summary Order proposing to revoke Respondent’s license pursuant to K.S.A. 40-4909(a)(8) and K.S.A. 40-04906(a)(2)(A).

4. Mr. Bowman timely requested a hearing in the above-captioned matter on September 12, 2007, through his attorney Thomas E. Ruzicka.
5. Petitioner mailed a copy of the Status Conference order, listing the date and time of the hearing of February 21 and 22, 2008 at 10:00 a.m., to Respondent's attorneys on December 20, 2007.
6. On February 4, 2008, Respondent's attorneys Kevin Wait and Thomas Ruzicka filed a Motion to Withdraw from representing the Respondent. This Motion was granted on February 4, 2008.
7. On February 20, 2008, Respondent telephoned KID and inquired as to the time of the hearing on February 21, Respondent was advised that the hearing was scheduled to begin at 10:00 a.m. Respondent further requested advice on what to do if there was inclement weather. Respondent was advised that he would need to call and speak to the Hearing Officer if that were to occur.
8. On February 21, 2007, respondent left a voice mail message for Stacy Bond, Staff Attorney advising that he was not going to attend the hearing on February 21 due to the weather and that he would not be in attendance on February 22, 2008 either. Respondent did not request a continuance, respondent did not request to attend the hearing by telephone and Respondent did not speak with the Hearing Officer.
9. On February 21, 2008 all KID witnesses were present and prepared to go forward with the formal hearing.
10. On February 21, 2008 at 10:00 a.m., Mr. Bowman failed to appear either in person or by telephone at the Hearing in the above-captioned matter.

11. KID moved for the issuance of a proposed default order revoking Respondent's license pursuant to K.S.A. 77-520.
12. Hearing Officer took notice that Respondent was living in Overland Park, Kansas and would be driving in from that location. Hearing Officer also took judicial notice of fact that he lives in Roeland Park, Kansas and drove in to KID on this date and did not have any weather related issues that made driving dangerous.
13. Hearing Officer also took notice that two of KID's witnesses drove to KID from Emporia, Kansas and did have difficulty with weather conditions but were still able to make it to KID in time for the hearing.
14. Hearing Officer also took notice that Respondent stated in his voice mail to Stacy Bond on February 21, 2008 that he was not going to appear on February 22, 2008 for the hearing without knowing what the weather conditions would be on that date.
15. KID's request was granted.
16. The Summary Order is hereby granted and incorporated into this order as if set forth therein. Respondent violated K.S.A. 2006 Supp. 40-4909(a)(8) as alleged in the Summary Order.
17. Respondent shall immediately forward his original Kansas Insurance Agent's License to the Kansas Insurance Department.

**Applicable Law**

18. K.S.A. 77-520 provides, in pertinent part:
  - (a) If a party fails to attend or participate in a prehearing conference, hearing or other stage of an adjudicative proceeding, the presiding officer may serve upon all parties written notice of a proposed default order, including a statement of the grounds.

- (b) Within seven days after service of the proposed default order, the party against whom it was filed may file a written motion requesting that the proposed default order be vacated and stating the grounds relied upon. During the time within which a party may file a written motion under this subsection, the presiding officer may adjourn the proceedings or conduct them without the participation of the party against whom a proposed default order was issued, having due regard for the interests of justice and the orderly and proper conduct of the proceedings.
- (c) The proposed default order shall become effective after expiration of the time within which the party may file a written motion under subsection (b) unless a written motion to vacate the order is filed with the agency within such time. Upon receipt of a motion to vacate a proposed default order, the presiding officer shall either vacate the proposed order or issue the default order as proposed. If the presiding officer issues a default order as proposed the order shall become effective upon service.
- (d) After a default order becomes effective, the presiding officer shall conduct any further proceedings necessary to complete the adjudication without the participation of the party in default and shall determine all issues in the adjudication, including those affecting the defaulting party.

#### **Conclusions of Law**

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

16. The Commissioner finds, pursuant to K.S.A. 77-520, that Respondent is in default for failure to appear at the February 21, 2008 hearing in the above-captioned matter.

**IT IS THEREFORE ORDERED BY THE COMMISSIONER OF INSURANCE THAT** the Kansas Resident Insurance Agent's License of Omer A. Bowman Jr. is hereby **REVOKED**.

**IT IS FURTHER ORDERED** pursuant to K.S.A. 2007 Supp. 40-4909(f) that Omer A. Bowman Jr. shall pay the costs in the amount of \$2,055.60 in the above-captioned matter.

**NOTICE OF RIGHTS**  
(Pursuant to K.S.A. 77-520)

Pursuant to K.S.A. 77-520, Respondent may file a written motion requesting that the proposed default order be vacated and stating the grounds relied upon. The proposed default order shall become effective after expiration of the time within which the party may file a written motion under subsection (b) unless a written motion to vacate the order is filed with the agency within such time. Upon receipt of a motion to vacate a proposed default order, the presiding officer shall either vacate the proposed order or issue the default order as proposed. If the presiding officer issues a default order as proposed, the order shall become effective upon service.

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 12th DAY OF MARCH, 2008, IN THE CITY OF TOPEKA, COUNTY OF SHAWNEE, STATE OF KANSAS.**



/s/ Robert M. Tomlinson  
Robert M. Tomlinson  
Assistant Commissioner of  
Insurance/Hearing Officer

Prepared By:

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

**Certificate of Service**

The undersigned hereby certifies that a true and correct copy of the above and foregoing Notice of Proposed Default Order was served by placing the same in the United States Mail, first class, postage prepaid, on this 12th day of March, 2008, addressed to the following:

Omer A. Bowman Jr.  
14737 Robinson  
Overland Park, Kansas 66223-3489  
*Respondent*

And

Stacy R. Bond  
Kansas Insurance Department  
420 S.W. 9<sup>th</sup> Street  
Topeka, Kansas 66612  
*Counsel for the Kansas Insurance  
Department*

/s/ Jana L. Beethe  
Jana L. Beethe  
*Legal Assistant*

**Certificate of Service**

The undersigned hereby certifies that a true and correct copy of the above and foregoing Notice of Final Default Order was served by placing the same in the United States Mail, first class, postage prepaid, on this 27th day of March, 2008, addressed to the following:

Omer A. Bowman Jr.  
14737 Robinson  
Overland Park, Kansas 66223-3489  
*Respondent*

And

Stacy R. Bond  
Kansas Insurance Department  
420 S.W. 9<sup>th</sup> Street  
Topeka, Kansas 66612  
*Counsel for the Kansas Insurance  
Department*

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Jana L. Beethe  
*Legal Assistant*