

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

In the Matter of the Kansas )  
Nonresident Insurance Agent's License of ) Docket No. 3759-SO  
THOMAS CAVALARI )

**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, Thomas Cavalari. 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 December, 7, 2005.
2. KID records indicate a legal and mailing address of 10610 S. 48<sup>th</sup> St., Phoenix, AZ 85044-1781.
3. The National Association of Insurance Commissioners ("NAIC") Regulatory Information Retrieval System ("RIRS") database reflects the following actions:
  - a. State of California Department of Insurance denied the Respondent's license for criminal record/history, effective April 27, 2007.

- b. State of Indiana Department of Insurance issued a monetary penalty against the Respondent for license denial effective January 30, 2007.
  - c. State of Maryland Department of Insurance revoked the Respondent's license and ordered Respondent to cease and desist from all insurance activity and ordered Respondent to pay a monetary penalty for falsified application on criminal history effective September 24, 2007.
  - d. State of Virginia Department of Insurance revoked Respondent's license for failure to make required disclosure on license application; other state's action, effective July 30, 2007.
- 4. To date, Respondent has failed to notify KID of the actions taken by the above mentioned State Departments of Insurance.
  - 5. On January 8, 2008, a letter was sent to Respondent requesting information regarding the administrative actions taken by the States of California, Indiana, Maryland and Virginia.
  - 6. To date, Respondent has failed to respond to the letter sent by KID.

**Applicable Law**

- 7. 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.
8. KA.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**

9. The Commissioner has jurisdiction over Respondent as well as the subject matter of this proceeding, and such proceeding is held in the public interest.
10. 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).
11. The Commissioner finds that Respondent's Kansas license may be revoked because Respondent's Maryland and Virginia license's were revoked; his license application in California was denied and he was subject to a monetary penalty in the State of Indiana, pursuant to K.S.A. 40-4909(a)(9).
12. 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 California Department of Insurance on April 27, 2007; the State of Indiana Department of Insurance on January 30, 2007; the State of Maryland Department of Insurance on September 24, 2007; and the State of Virginia Department of Insurance on July 30, 2007.

13. 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.
14. Accordingly, the Commissioner concludes sufficient grounds exist for the revocation of the insurance agent's license of Thomas Cavalari 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 THOMAS CAVALARI is hereby **REVOKED** effective the effective date of this Order.
2. **IT IS FURTHER ORDERED** that THOMAS CAVALARI 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**

Thomas Cavalari, 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. 9<sup>th</sup> 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. 9<sup>th</sup> St.  
Topeka, Kansas 66612

**IT IS SO ORDERED THIS 13th DAY OF FEBRUARY, 2008, IN THE CITY OF TOPEKA, COUNTY OF SHAWNEE, STATE OF KANSAS.**



\_\_\_\_\_  
/s/ Sandy Praeger  
Sandy Praeger  
Commissioner of Insurance

BY:

\_\_\_\_\_  
/s/ John Campbell  
John Campbell  
General Counsel

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that she served the above and foregoing Summary Order on this 13th day of February, 2008, by causing the same to be deposited in the United States Mail, first class postage prepaid, addressed to the following:

Thomas Cavalari  
Unit 2086, 10610 S. 48<sup>th</sup> Street  
Phoenix, AZ 85044-1781

\_s/ Stacy R. Bond \_\_\_\_\_  
Stacy R. Bond  
Staff Attorney