

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

In the Matter of the Kansas)
Resident Insurance Agent’s License of) Docket No. 3894-SO
KEVIN FLAHERTY)
NPN #7409986)

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, Kevin Flaherty (“Mr. Flaherty”). 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 licensed as a resident agent to transact the business of insurance in the State of Kansas, and have been so licensed since July 26, 2007.
2. KID records further indicate a legal address and mailing address of 14831 W. 90th st., Lenexa, KS 66215.
3. The National Association of Insurance Commissioners (“NAIC”) Regulatory Information Retrieval System (“RIRS”) database reflects the following actions: your license was revoked by the State of Iowa, effective April 22, 2008 for misrepresentation of insurance product/policy.
4. On May 14, 2008, KID mailed a letter to your registered address of 14831 W. 90th Street, Lenexa, KS 66215, this letter was returned by the US Post Office due to

forward time expired. A forwarding address of 708 2nd Ave. E, Oskaloosa, IA 52577-3020 was listed.

5. It appears that you moved from the State of Kansas on or before October 4, 2007. As on October 4, 2007 the Iowa Department of Insurance also sent a letter to you at your registered Kansas address. This letter was also returned, your son Zach reported that at that time you were living at 1819 N. 3rd, Oskaloosa, Iowa.
6. At no time have you reported to KID that you have moved.
7. At no time have you provided to KID any documentation, certification or copy of a resident insurance agent's license for the State of Iowa.

Applicable Law

8. K.S.A. 2007 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;
 - (9) Had an insurance agent license, or its equivalent, denied, suspended or revoked in any other state 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.
9. K.S.A. 2007 Supp. 40-4906 states, in pertinent part:
 - (c)(1) Any nonresident who is licensed in this state and who moves from one state to another state or a resident agent who moves from this state to another state shall file with the commissioner within 30 days a change of address and provide certification from the new resident state.

Conclusions of Law

10. The Commissioner has jurisdiction over Respondent as well as the subject matter of this proceeding, and such proceeding is held in the public interest.
11. The Commissioner finds that Respondent has moved from the State of Kansas to the State of Iowa and as failed to notify the Kansas Insurance Department as well as failed to obtain and provide documentation, certification or a copy of a resident insurance agent's license from the State of Iowa, a violation of K.S.A. 2007 Supp. 40-4906(c)(1).
12. The Commissioner finds that Respondent's insurance agent's license in the State of Iowa was revoked effective April 22, 2008, a violation of K.S.A. 2007 Supp. 40-4909(a)(9).
13. The Commissioner finds, pursuant to K.S.A. 2007 Supp. 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 Kevin Flaherty 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 KEVIN FLAHERTY is hereby **REVOKED** effective the effective date of this Order.
2. **IT IS FURTHER ORDERED** that KEVIN FLAHERTY 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

Kevin Flaherty, 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 30th DAY OF JULY, 2008, 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 she served the above and foregoing Summary Order on this 30th day of July, 2008, by causing the same to be deposited in the United States Mail, first class postage prepaid, addressed to the following:

Kevin Flaherty
14831 W. 90th St.
Lenexa, KS 66215

Kevin Flaherty
708 2nd Ave. E.
Oskaloosa, IA 52577

Kevin Flaherty
1819 N. 3rd
Oskaloosa, IA 52577

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

NOTICE OF RIGHTS

Pursuant to K.S.A. §77-601 et seq. Kevin Flaherty 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, Kevin Flaherty 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 18th day of August, 2008, by causing the same to be deposited in the United States Mail, first class postage prepaid, addressed to the following:

Kevin Flaherty
14831 W. 90th St.
Lenexa, KS 66215

Kevin Flaherty
708 2nd Ave. E
Oskaloosa, IA 52577

Kevin Flaherty
1819 N. 3rd
Oskaloosa, IA 52577

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