

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

In the Matter of the Kansas)
Nonresident Insurance Agent’s License of) Docket No. 3888-SO
RACHEL GONZALEZ)
NPN #8992030)

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 nonresident agent’s license of Respondent, Rachel Gonzalez (“Ms. Gonzalez”). 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 nonresident agent to transact the business of insurance in the State of Kansas, and have been so licensed since April 18, 2008.
2. KID records further indicate a legal address and mailing address of 8520 S. Indiana Ave., Oklahoma City, OK 73159.
3. On March 18, 2008 the Kansas Insurance Department (“KID”) received a written complaint from Sunee Mickle, Director, Government Relations for BCBS. Ms. Mickle provided a copy of a fax sent by yourself to [REDACTED] a client of BCBS. Ms. Mickle was concerned that your document contained several untrue statements concerning BCBS.

4. This document also contains statements that are either untrue, derogatory or intending to mislead consumers: “B/C is not an insurance company and isn’t regulated in the same way insurance companies are. Blue Cross is a Medical Services Organization. They are not regulated by the State Insurance Commissioners office, and do not have to abide by the same guidelines as an insurance company. Not sure if the state regulates them. Whoever does, they are not held to the same standards in terms of assets to liability ratio of insurance companies.”
5. An Assurant Health insurance quote was prepared for [REDACTED] a Kansas resident, on February 26, 2008. At that time you were not licensed in Kansas as a nonresident agent.

Applicable Law

6. 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.

7. K.S.A. 40-214 states, in pertinent part: it shall be unlawful for any person, company, . . . to transact the business of insurance, . . . or do any act toward transacting business, unless such person, company, . . . shall have been duly authorized under the laws of this state to transact such business and shall have received proper written authority from the commissioner of insurance in conformity with the provisions of the laws of this state relative to insurance . . . ;
8. K.S.A. 40-236 states, in pertinent part: it shall be unlawful for any person to make, utter, circulate or transmit to another or others any derogatory statement; untrue in fact, as to any insurance company lawfully engaged in business in this state; . . . with the intent to injure any such company

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 conduct in selling insurance to a Kansas consumer in the State of Kansas without having such been licensed to do so by the Commissioner of Insurance is a violation of K.S.A. 40-214.
11. The Commissioner finds that Respondent's conduct in making statements concerning an insurance company authorized to do business in Kansas that are derogatory and untrue is a violation of K.S.A. 40-236.
12. The Commissioner finds that Respondent used fraudulent, coercive, or dishonest practice in the conduct in business in this State by providing a document to a Kansas consumer that Respondent compiled that contained false or untrue statements in an attempt to convince the consumer to purchase the insurance product she was selling, a violation of K.S.A. 2007 Supp. 40-4909(a)(8).
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 Rachel Gonzalez 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 RACHEL GONZALEZ is hereby **REVOKED** effective the effective date of this Order.
2. **IT IS FURTHER ORDERED** that RACHEL GONZALEZ 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

Rachel Gonzalez, 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.**



/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:

Rachel Gonzalez
8520 S. Indiana Ave.
Oklahoma City, OK 73159

/s/ Stacy R. Bond
Stacy R. Bond

NOTICE OF RIGHTS

Pursuant to K.S.A. §77-601 et seq. Rachel Gonzalez 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, Rachel Gonzalez 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:

Rachel Gonzalez
8520 S. Indiana Ave.
Oklahoma City, OK 73159

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