

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

In the Matter of the Kansas)
Resident Insurance Agent’s License of) Docket No. 3823-SO
WESLEY A. GUTHRIE)
NPN# 9589656)

SUMMARY ORDER

(Pursuant to K.S.A. 2007 Supp. 40-4909 and K.S.A. 77-501)

Pursuant to the authority granted to the Commissioner of Insurance (“Commissioner”) by K.S.A. 2007 Supp. 40-4909, the Commissioner hereby revokes the resident agent’s license of Respondent, Wesley A. Guthrie (“Mr. Guthrie”). 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 Wesley A. Guthrie is licensed as a resident agent to transact the business of insurance in Kansas, and has been so licensed since August 28, 2007.
2. KID records indicate a legal and mailing address of 7627 E. 37th St. N., Apt. 2708, Wichita, KS 67226-2809.
3. On August 16, 2007, Respondent submitted a check for \$30.00 for Respondent’s Kansas resident license fee. This was check number 2121 written on Aviation Associates Credit Union, 9555 Corporate Hills Dr., Wichita, KS. The check was written on the Respondent’s personal checking account.
4. On September 6, 2007, check number 2121 was returned to KID due to Insufficient Funds.

5. On September 7, 2007, Bonnie Wambeke, Administrative Specialist for KID sent a letter to Respondent advising him that the check had been returned and that he needed to remit a cashier's check or money order for the licensing fee. This letter was returned to KID by the US Postal service as Respondent had moved and the forwarding time had expired.
6. On September 27, 2007 another letter was sent to Respondent, using the address provided by the US Postal Service. This letter contained a copy of the September 7th letter and informed Respondent that the replacement \$30.00 must be received by October 11, 2007.
7. On September 4, 2007, Respondent was obtained an appointment from Banker's Life. On September 17, 2007, Banker's Life cancelled this appointment. At this time Respondent does not have any company appointments.
8. To date, Respondent has failed to remit the \$30.00 license fee and has not responded to the letter sent by KID on September 27, 2007.
9. On February 14, 2008, a letter was sent to Respondent at his last known address requesting that he address the situation described upon. Respondent did not respond.

Applicable Law

10. 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:
 - (3) Obtained or attempted to obtain a license under this act through misrepresentation or fraud.

(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.

11. K.S.A. 2007 Supp. 40-4905 states, in pertinent part:

(b) . . . Before approving the application, the commissioner shall determine that the applicant:

(3) has paid a nonrefundable fee in the amount of \$30

Conclusions of Law

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

13. The Commissioner finds that Mr. Guthrie's Kansas license may be revoked because Mr. Guthrie obtained his license through misrepresentation or fraud pursuant to K.S.A. 2007 Supp. 40-4909(a)(3).

14. The Commissioner finds that Mr. Slinkard's Kansas license may be revoked because Mr. Guthrie demonstrated financial irresponsibility in this state, pursuant to K.S.A. 2007 Supp. 40-4909(a)(8).

15. The Commissioner finds that the Respondent has not fully complied with the requirements of K.S.A. 2007 Supp. 40-4905(b)(3) to obtain a Kansas resident insurance agent's license.

16. 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 Mr. Guthrie's license.

17. Accordingly, the Commissioner concludes sufficient grounds exist for the revocation of the insurance agent's license of Wesley A. Guthrie 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 Nonresident Insurance Agent's License of WESLEY A. GUTHRIE is hereby **REVOKED** effective the effective date of this Order.
2. **IT IS FURTHER ORDERED** that WESLEY A. GUTHRIE 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

Wesley A. Guthrie, 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 19th DAY OF MARCH, 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 19th day of March, 2008, by causing the same to be deposited in the United States Mail, first class postage prepaid, addressed to the following:

Wesley A. Guthrie
7627 E. 37th St. N, Apt. 2708
Wichita, KS 67226-2809

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