

**FINAL ORDER**

**Effective: 08-18-08**

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

In the Matter of the Kansas )  
Nonresident Insurance Agent’s License of ) Docket No. 3903-SO  
THERESA M. KONEN )  
NPN #2773854 )

**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, Theresa M. Konen (“Ms. Konen”). 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 currently licensed as a nonresident agent to transact the business of insurance in the State of Kansas, and have been so licensed since November 29, 2005.
2. KID records further indicate a legal address of 2235 Salem Rd, Virginia Beach, VA 23456 and a mailing address of 1221 Fruit Cove Rd. S., Jacksonville, FL 32259-3178.
3. On or about December 6, 2006 KID sent a letter to you regarding cancellation of lines of authority to your registered address of 2235 Salem Road, Virginia Beach, VA 28456. This letter was returned to KID due to forward time expired with a forwarding address of 1221 Fruit Cove Rd. S., Jacksonville, FL 32259-3179.

4. On May 31, 2007, Karen Evans, Senior Administrative Assistant, Producers Division sent a letter to you at your Florida address advising that you needed to provide “a completed address change form and need an AG11 to add you to any licensed agency you may be affiliated with, or your company(ies) need to appoint you in Kansas.” This same letter was again sent to your address in Florida on July 2, 2007; August 31, 2007; October 31, 2007, January 31, 2008 and April 30, 2008.
5. In these letters you were advised that if you wished to cancel your Kansas license that you needed to do so in writing.
6. To this date, you have not responded to the requests for documents or requested that your license be canceled in writing.
7. On June 27, 2008 a letter was sent to you at your registered mailing address asking you to provide any additional information in regard to paragraphs 1 through 6 above if you disagreed with those facts. This letter was not returned to KID and as of July 24, 2008, no response has been received by KID.

**Applicable Law**

8. 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.

9. K.A.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, each change in residence address.

**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's conduct in failing to respond to seven letters sent to Respondent from the Producers Division of KID and one letter sent to Respondent from the Legal Division of KID demonstrates incompetence in the conduct of business in this state a violation of K.S.A. 2007 Supp. 40-4909(a)(8).
12. The Commissioner finds that the Respondent moved to the State of Florida and has failed to report a change of residence address to KID within 30 days of occurrence as required by K.A.R. 40-7-9.
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 Theresa M. Konen 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 THERESA M. KONEN is hereby **REVOKED** effective the effective date of this Order.

2. **IT IS FURTHER ORDERED** that THERESA M. KONEN 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**

Theresa M. Konen, 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   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:

Theresa M. Konen  
1221 Fruit Cove Rd. S  
Jacksonville, FL 32259-3178

Theresa M. Konen  
2235 Salem Rd.  
Virginia Beach, VA 23456

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

**NOTICE OF RIGHTS**

Pursuant to K.S.A. §77-601 et seq. Theresa M. Konen 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, Theresa M. Konen 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:

Theresa M. Konen  
1221 Fruit Cove Rd. S  
Jacksonville, FL 32259-3178

Theresa M. Konen  
2235 Salem Rd.  
Virginia Beach, VA 23456

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