

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. 3897-SO
CLAYTON LEGEYT)
NPN #86902)

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, Clayton Legeyt (“Mr. Legeyt”). 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 July 1, 2005.
2. KID records further indicate a legal address and mailing address of 10801 Range View Dr., Austin, TX 78730-1499.
3. On or about October 30, 2007, KID sent a letter to you regarding license renewal at your registered address of 7122 SE 12 Cir., Ocala, FL 34480-6653. In that letter you were asked to verify your residence and mailing address as well as your business telephone. You indicated that your residence and mailing address had changed to 10801 Range View Dr., Austin, TX 78730, and that your business telephone had changed to 352-274-4097.

4. On November 15, 2007, Karen Evans, Senior Administrative Assistant, Producers Division sent a letter to you at your Texas address advising that you needed to provide “a letter of certification from your current state of residence, or a copy of your new Texas resident license.” This same letter was again sent to your newly reported address in Texas on December 14, 2007; January 15, 2008; February 15, 2008, and April 15, 2008.
5. In the April 15, 2008, letter you were advised that if you wished to cancel your Kansas license that you needed to do so in writing prior to May 15, 2008.
6. To this date, you have not submitted either a certificate from your current state or a copy of your Texas resident license or canceled your Kansas license in writing.
7. On June 27, 2008 a letter was sent to you at your registered legal and 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;
 - (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.
10. K.S.A. 40-4906 (a)(1) states in pertinent part: A nonresident person shall receive a nonresident agent license if such person is currently licensed as a resident agent and in good standing in such person's home state.

Conclusions of Law

11. The Commissioner has jurisdiction over Respondent as well as the subject matter of this proceeding, and such proceeding is held in the public interest.
12. The Commissioner finds that Respondent's conduct in failing to respond to five 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).
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. The Commissioner finds that the Respondent has failed to provide to KID as requested a certification from his new resident state or a copy of his Texas residence license, a violation of K.S.A. 2007 Supp. 40-4906(c)(1).
15. The Commissioner finds that the Respondent's nonresident insurance license should be revoked due to the Respondent not having a valid home state license, in violation of K.S.A. 40-4906(a)(1).

16. Accordingly, the Commissioner concludes sufficient grounds exist for the revocation of the insurance agent's license of Clayton Legeyt 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 CLAYTON LEGEYT is hereby **REVOKED** effective the effective date of this Order.
2. **IT IS FURTHER ORDERED** that CLAYTON LEGEYT 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

Clayton Legeyt, 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:

Clayton Legeyt
10801 Range View Dr.
Austin, TX 78730-1499

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

NOTICE OF RIGHTS

Pursuant to K.S.A. §77-601 et seq. Clayton Legeyt 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, Clayton Legeyt 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:

Clayton Legeyt
10801 Range View Dr.
Austin, TX 78730-1499

_s/ Stacy R. Bond _____
Stacy R. Bond
Staff Attorney