

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

In the Matter of the Kansas)
Nonresident Insurance Agent’s License of) Docket No. 3832-SO
TREVOR D. LOSSE)
NPN# 8610558)

SUMMARY ORDER

(Pursuant to K.S.A. 2007 Supp. 40-4909 and K.S.A. 77-537)

Pursuant to the authority granted to the Commissioner of Insurance (“Commissioner”) by K.S.A. 2007 Supp. 40-4909, the Commissioner hereby imposes sanctions against the nonresident agent’s license of Respondent, Trevor D. Losse by way of Summary Order as provided by K.S.A. 77-537. 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 Respondent is licensed as a nonresident agent to transact the business of insurance in the State of Kansas, and has been so licensed since August 31, 2006.
2. KID records further indicate a legal and mailing address of PO Box 516, South Cle Elum, WA 98943.
3. The National Association of Insurance Commissioners (“NAIC”) Regulatory Information Retrieval System (“RIRS”) database reflects the following actions: Respondent had a license denied in the State of California, effective October 16, 2007, for criminal history/record.
4. Respondent has failed to notify KID of the action within 30 days.

5. On November 19, 2007, Leroy Brungardt, Director Producers Division, sent a letter to the respondent requesting information regarding action taken by the State of California and any information regarding criminal history.
6. On December 6, 2007, Respondent provided the information requested by Leroy Brungardt. The information contained copies of the administrative action taken by California as well as documents pertaining to a criminal proceeding in Kittitas County Washington in 2002.
7. In August of 2006, Respondent made application to the Kansas Insurance Department for a nonresident agent's insurance license. On that application which stated "under penalty of perjury that the statements made in the application are true." Respondent marked in question number 1 that he did not have any criminal convictions or proceedings.

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:
 - (1) provided incorrect, misleading, incomplete or untrue information in the license application.
 - (2) Violated
 - (A) any provision of chapter 40 of the Kansas Statutes Annotated, and amendments thereto, or any rule and regulation promulgated thereunder;
 - (C) any insurance law or regulation of another state;
 - (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.

(h) in lieu of taking any action under subsection (a), the commissioner may:

(2) issue an order imposing an administrative penalty up to a maximum of \$500 for each violation . . . unless such person knew or should have known that the violative act could give rise to disciplinary action under subsection (a). If such person knew or reasonably should have known the violative act could give rise to any disciplinary proceeding . . . the commissioner may impose a penalty up to a maximum of \$1000 for each violation

9. KA.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:

(a) Each disciplinary action on the agent's license or licenses by the insurance regulatory agency of any other state or territory of the United States.

Conclusions of Law

10. The Commissioner has jurisdiction over Mr. Losse 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 Kansas license may be revoked because Respondent violated an insurance law or regulation in another state pursuant to K.S.A. 2007 Supp. 40-4909(a)(2)(C).

12. The Commissioner finds that Mr. Byrne violated K.S.A. 2007 Supp. 40-4909(a)(2)(A) and K.A.R. 40-7-9 by failing to notify the Kansas Insurance Department of his disciplinary action taken by the State of California Department of Insurance on October 16, 2007 within thirty (30) days.

13. The Commissioner finds that Respondent's Kansas license may be revoked because Respondent provided incorrect, misleading, incomplete or untrue

information in his license application, a violation of K.S.A. 2007 Supp. 40-4909(a)(1).

14. The Commissioner, therefore, concludes that good cause exists pursuant to K.S.A. 2007 Supp. 40-4909(a) and (h) to revoke or suspend Respondent's Kansas nonresident insurance agent's license or impose administrative penalties in lieu of revocation.
15. The Commissioner concludes that Respondent's insurance agent's license may be revoked for the protection of the insurable interests of the public pursuant to K.S.A. 2007 Supp. 40-4909(b).
16. Based on the facts and circumstances set forth herein, it appears that the use of summary proceedings in this matter is appropriate, in accordance with the provisions set forth in K.S.A. 77-537(a), in that the use of summary proceedings does not violate any provision of the law and the protection of the public interest does not require KID to give notice and opportunity to participate to persons other than Trevor D. Losse.

IT IS THEREFORE ORDERED BY THE COMMISSIONER OF INSURANCE THAT:

Respondent Trevor D. Losse shall pay an administrative penalty of \$250.00 for failure to notify KID of another state agency's action and for failure to disclose prior criminal conviction on his license application. The Kansas nonresident insurance agent's license of Trevor D. Losse is hereby **SUSPENDED on the effective date of this order until such time as the penalty is paid in full.**

NOTICE AND OPPORTUNITY FOR HEARING

Trevor D. Losse, 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 18th DAY OF APRIL, 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
__18th__ day of __April____, 2008, by causing the same to be deposited in the United States
Mail, first class postage prepaid, addressed to the following:

Trevor D. Losse
PO Box 516
South Cle Elum, WA 98943

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