

**FINAL ORDER**

**Effective: 05-26-08**

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

In the Matter of the Application )  
For a Kansas Resident Insurance )  
Agent’s License of )  
CHRISTOPHER A. MORCKEL )

Docket No. 3794–SO

**NOTICE OF PROPOSED DEFAULT ORDER**

(Pursuant to K.S.A. 2007 Supp. 40-4909 and K.S.A. 77-520)

Pursuant to the authority granted to the Commissioner of Insurance (“Commissioner”) by K.S.A. 2007 Supp. 40-4909, and K.S.A. 77-520, the Presiding Officer hereby gives Notice of the Proposed Default Order denying the Application for Kansas Resident Insurance Agent’s License of Christopher A. Morckel (“Respondent”). This Proposed Default Order shall become effective seven (7) days after service if Respondent does not file a written motion requesting the Proposed Default Order be vacated.

**STATEMENT OF GROUNDS**

**Findings of Fact**

The Commissioner has been shown the following facts:

1. Records maintained by the Kansas Insurance Department (“KID”) indicate Christopher A. Morckel (“Respondent”) applied for licensure as a Kansas Resident Insurance Agent on or about January 28, 2008.
2. KID records further indicate Respondent’s mailing address as 601 N. Pershing, Wichita, KS 67208.
3. Respondent’s Uniform Application for Individual Insurance Producer License submitted to KID indicated Respondent had been convicted of a crime, had a judgment withheld or deferred or was currently charged with committing a crime.

4. Due to this conviction, Respondent was required to submit a 1033 Form as required by 18 U.S.C. §1033. Respondent also included with the 1033 Form all required attachments.
5. On February 20, 2008 a Summary Order denying Respondent's application for Kansas resident insurance agent's license was issued.
6. Respondent timely requested a hearing pursuant to K.S.A. 77-501 *et. seq.*
7. On March 31, 2008 a pre-hearing conference was held in which Respondent was advised that the formal hearing would be held on April 17, 2008 at 1:30 p.m.
8. On April 17, 2008 all KID witnesses were present and prepared to go forward with the formal hearing.
9. On April 17, 2008 at 1:30 p.m., Mr. Morckel failed to appear for the formal hearing.
10. Presiding Officer took notice that Mr. Morckel had not submitted the requested discovery and that he had not contacted KID in regards to appearing at this hearing by telephone or to request a continuance.
11. KID moved for the admission of State's exhibits 1 – 7.
12. KID moved for the issuance of a proposed default order denying Respondent's license pursuant to K.S.A. 77-520.
13. KID's request was granted.
14. The Summary Order is hereby granted and incorporated into this order as if set forth therein.
15. Pursuant to K.S.A. 2007 Supp. 40-4909(a)(6), Respondent's application for a Kansas resident insurance agent's license is hereby denied.

**Applicable Law**

16. K.S.A. 77-520 provides, in pertinent part:
- (a) If a party fails to attend or participate in a prehearing conference, hearing or other stage of an adjudicative proceeding, the presiding officer may serve upon all parties written notice of a proposed default order, including a statement of the grounds.
  - (b) Within seven days after service of the proposed default order, the party against whom it was filed may file a written motion requesting that the proposed default order be vacated and stating the grounds relied upon. During the time within which a party may file a written motion under this subsection, the presiding officer may adjourn the proceedings or conduct them without the participation of the party against whom a proposed default order was issued, having due regard for the interests of justice and the orderly and proper conduct of the proceedings.
  - (c) The proposed default order shall become effective after expiration of the time within which the party may file a written motion under subsection (b) unless a written motion to vacate the order is filed with the agency within such time. Upon receipt of a motion to vacate a proposed default order, the presiding officer shall either vacate the proposed order or issue the default order as proposed. If the presiding officer issues a default order as proposed the order shall become effective upon service.
  - (d) After a default order becomes effective, the presiding officer shall conduct any further proceedings necessary to complete the adjudication without the participation of the party in default and shall determine all issues in the adjudication, including those affecting the defaulting party.
17. K.S.A. 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:
    - (6) been convicted of a misdemeanor or felony.
  - (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.

**Conclusions of Law**

18. The Commissioner has jurisdiction over Respondent as well as the subject matter of this proceeding and such proceeding is held in the public interest.
19. The Commissioner finds, pursuant to K.S.A. 77-520, that Respondent is in default for failure to appear at the April 17, 2008 hearing in the above-captioned matter.

**IT IS THEREFORE ORDERED BY THE COMMISSIONER OF INSURANCE**

**THAT** the application for Kansas Resident Insurance Agent's License of CHRISTOPHER A. MORCKEL is hereby **DENIED**.

**IT IS FURTHER ORDERED** pursuant to K.S.A. 2007 Supp. 40-4909(f) that Christopher A. Morckel shall pay the costs in the amount of \$95.70 in the above-captioned matter.

**NOTICE OF RIGHTS**  
(Pursuant to K.S.A. 77-520)

Pursuant to K.S.A. 77-520, Respondent may file a written motion requesting that the proposed default order be vacated and stating the grounds relied upon. The proposed default order shall become effective after expiration of the time within which the party may file a written motion under subsection (b) unless a written motion to vacate the order is filed with the agency within such time. Upon receipt of a motion to vacate a proposed default order, the presiding officer shall either vacate the proposed order or issue the default order as proposed. If the presiding officer issues a default order as proposed, the order shall become effective upon service.

In the event Respondent 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. 9<sup>th</sup> Street  
Topeka, Kansas 66612

**IT IS SO ORDERED THIS 30th DAY OF APRIL, 2008, IN THE CITY OF TOPEKA,  
COUNTY OF SHAWNEE, STATE OF KANSAS.**



/s/ Robert M. Tomlinson  
Robert M. Tomlinson  
Assistant Commissioner of  
Insurance/Hearing Officer

Prepared By:

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

**Certificate of Service**

The undersigned hereby certifies that a true and correct copy of the above and foregoing Notice of Final Default Order was served by placing the same in the United States Mail, first class, postage prepaid, on this 30th day of April, 2008, addressed to the following:

Christopher A. Morckel  
601 N. Pershing St.  
Wichita, Kansas 67208-2231  
*Respondent*

And

Stacy R. Bond  
Kansas Insurance Department  
420 S.W. 9<sup>th</sup> Street  
Topeka, Kansas 66612  
*Counsel for the Kansas Insurance  
Department*

/s/ Jana L. Beethe  
Jana L. Beethe  
*Legal Assistant*