

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

In the Matter of the Kansas Resident)
Insurance Agent's License of)
OMER A. BOWMAN JR.)

Docket No. 3704-SO

SUMMARY ORDER

(Pursuant to 2006 Supp. 40-4909 and K.S.A. 77-537)

Pursuant to the authority granted to the Commissioner of Insurance ("Commissioner") by K.S.A. 2006 Supp. 40-4909, the Commissioner hereby revokes the Kansas resident insurance agent's license of OMER A. BOWMAN JR. ("Respondent"), by way of Summary Order as provided by K.S.A. 77-537.

Findings of Fact

The Commissioner has been shown the following facts:

1. Records maintained by the Kansas Insurance Department ("KID") indicate that Respondent is licensed as a Kansas Resident Insurance Agent to transact the business of insurance and has been so since June 25, 1982.
2. KID records further indicate a legal and mailing address for Respondent of 14737 Robinson, Overland Park, Kansas 66223-3489.
3. On or about July 16, 2007 KID was notified by Don C. Krueger, Esq. that Respondent may have engaged in the misappropriation of funds belonging to [REDACTED]
 - a. Mr. Krueger advised that a wire transfer occurred on August 12, 2005 in which \$60,000.00 was transferred from Mr. [REDACTED] account at Bank of America to Mr. Bowman's personal account at Metcalf Bank.

- b. Mr. Krueger sent a letter to Mr. Bowman inquiring as to if the funds were for an investment; if he could provide documentation to support the transfer; and if the investment provided for liquidity at death and if it was in the interests of Mr. [REDACTED] or his trust. Mr. Bowman replied “NO”, to each and every question, and provided no further information.
4. On or about July 24, 2007, KID requested information from Respondent in regards to Mr. Krueger’s complaint.
5. On or about July 31, 2007, Respondent provided a letter to KID regarding the complaint by Mr. Krueger.
6. On or about August 7, 2007, KID requested any supporting documentation from Respondent regarding the complaint by Mr. Krueger, specifically requesting “an additional statement providing all details surrounding the transaction involving the wire transfer referenced in the initial complaint including any documentation.” The request further advised Respondent that failure to respond within seven (7) days could result in formal administrative action.
7. As of August 23, 2007, Respondent has failed to respond.

Applicable Law

8. K.S.A. 2006 Supp. 40-4909 provides, 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:
 - (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.S.A. 40-2,125 states, in relevant part:
 - (a)(2) suspension or revocation of the person's license or certificate if such person knew or reasonably should have known that such person was in violation of the Kansas insurance statutes or any rule and regulation or order thereunder;
 - (b) If any person fails to file any report or other information with the commissioner as required by statute or fails to respond to any proper inquiry of the commissioner, the commissioner, after notice and opportunity for hearing, may impose a penalty of up to \$500 for each violation or act, along with an additional penalty of up to \$100 for each week thereafter that such report or other information is not provided to the commissioner.
- 10. K.S.A. 2006 Supp. 40-4906(a)(2)(A) states, in relevant part: 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:... Violated: Any provision of chapter 40 of the Kansas Statutes Annotated, and amendments thereto, or any rule and regulation promulgated thereunder.

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. Based on the facts and circumstances set forth herein, it appears that Omer A. Bowman Jr. has failed to respond to a proper inquiry of the Commissioner of Insurance in violation of K.S.A. 40-2,125 and that Respondent has engaged in fraudulent, coercive, dishonest

practice or demonstrated any incompetence, untrustworthiness or financial irresponsibility in the conduct of business in this state in violation of K.S.A. 40-4909(a)(8).

13. Accordingly, the Commissioner concludes that sufficient grounds exist for the revocation of the insurance agent's license of Omer A. Bowman Jr. pursuant to K.S.A. 2006 Supp. 40-4909(a).

14. Moreover, the Commissioner finds that Respondent has demonstrated a lack of fitness or trustworthiness and finds that Bowman's insurance agent's license should be revoked pursuant to K.S.A. 2006 Supp. 40-4909(b) for the protection of the insurable interests of the public.

15. 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 the KID to give notice and opportunity to participate to persons other than Omer A. Bowman Jr.

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

1. The Kansas Resident Insurance Agent's License of OMER A. BOWMAN JR. is hereby **REVOKED** effective the effective date of this Order.

2. **IT IS FURTHER ORDERED** that OMER A. BOWMAN JR. 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 of Right to Hearing or Appeal

OMER A. BOWMAN JR. (“Respondent”) is entitled to a hearing pursuant to K.S.A. 77-537, the Kansas Administrative Procedure Act. If Respondent desires a hearing, Respondent must file a written request for a hearing with:

John W. Campbell, General Counsel
Kansas Insurance Department
420 S.W. 9th Street
Topeka, Kansas 66612

This request must be filed within fifteen (15) days from the date of service of this Order. If Respondent requests a hearing, the Kansas Insurance Department will notify Respondent of the time and place of the hearing and information on the procedures, right of representation, and other rights of parties relating to the conduct of the hearing, before commencement of the same.

If a hearing is not requested in the time and manner stated above, this Order shall become effective as a Final Order upon the expiration of time for requesting a hearing, pursuant to K.S.A. 77-613. 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. 9th Street
Topeka, Kansas 66612

IT IS SO ORDERED THIS 30th DAY OF AUGUST, 2007, 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 a true and correct copy of the above and foregoing Summary Order and Notice of Rights was served by placing the same in the United States Mail, first class, postage prepaid, on this _30th_ day of ___August___, 2007, addressed to the following:

Omer A. Bowman Jr.
14737 Robinson
Overland Park, Kansas 66223-3489

_s/ Stacy R. Bond_____

Stacy R. Bond
Staff Attorney