

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

In the Matter of the Kansas )  
Resident Insurance Agent’s License of ) Docket No. 3902-SO  
ROBERT E. BROWN )  
NPN # 6107488 )

**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 resident agent’s license of Respondent, Robert E. Brown (“Mr. Brown”). 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 licensed as a resident agent to transact the business of insurance in the State of Kansas, and have been so licensed since July 12, 1957.
2. KID records further indicate a legal address and mailing address of 66 Rambler Road, Hutchinson, Kansas 67502.
3. On November 26, 2007, an amended complaint/information was filed in Reno County District Court case number 07CR891 alleging Respondent violated K.S.A. 21-3437(a)(2), a level 9 person felony, Mistreatment of a Dependent Adult.

4. On April 15, 2008 a journal entry of conviction was filed in Reno County District Court case number 07CR891 showing that Respondent plead guilty to Mistreatment of a Dependant Adult, a violation of K.S.A. 21-3437, a class A person misdemeanor.
5. Respondent failed to notify the Kansas Insurance Department of his conviction within thirty (30) days.

#### **Applicable Law**

6. 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;
    - (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.
7. 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:
  - (d) all details of any conviction of a misdemeanor or felony. The details shall include the name of the arresting agency, the location and date of the arrest, the nature of the charge or charges, the court in which the case was tried, and the disposition rendered by the court. Minor traffic violations may be omitted;

#### **Conclusions of Law**

8. The Commissioner has jurisdiction over Mr. Brown as well as the subject matter of this proceeding, and such proceeding is held in the public interest.
9. The Commissioner finds that Mr. Brown has been convicted of a misdemeanor, a violation pursuant to K.S.A. 40-4909(a)(6).
10. The Commissioner finds that Respondent violated K.A.R. 40-7-9 by failing to notify the Kansas Insurance Department of his misdemeanor conviction within thirty (30) days.
11. The Commissioner finds, pursuant to K.S.A. 40-4909(b), that the insurable interests of the public are not properly served under Mr. Brown's license.
12. Accordingly, the Commissioner concludes sufficient grounds exist for the revocation of the insurance agent's license of Robert E. Brown pursuant to K.S.A. 40-4909(a) and (b).

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

1. The Kansas Resident Insurance Agent's License of ROBERT E. BROWN is hereby **REVOKED** effective the effective date of this Order.
2. **IT IS FURTHER ORDERED** that ROBERT E. BROWN 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**

Robert E. Brown, 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 17th DAY OF JUNE, 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 17th day of June, 2008, by causing the same to be deposited in the United States Mail, first class postage prepaid, addressed to the following:

In the Matter of the Kansas  
Resident Insurance Agent's License of  
Robert E. Brown

Robert Eugene Brown  
66 Rambler Road  
Hutchinson, KS 67502

Kenneth E. Peirce  
Peirce Law Office  
Corporate Square, Suite 250  
335 North Washington  
Hutchinson, KS 67501

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

NOTICE OF RIGHTS

Pursuant to K.S.A. §77-601 et seq. Robert E. Brown 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, Robert E. Brown 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 14th day of July, 2008, by causing the same to be deposited in the United States Mail, first class postage prepaid, addressed to the following:

Robert E. Brown  
66 Rambler Road  
Hutchinson, KS 67502

Kenneth E. Peirce  
Peirce Law Office  
Corporate Square, Suite 250  
335 North Washington  
Hutchinson, KS 67501

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