

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

In the Matter of the Kansas)
Nonresident Insurance Agent's License of) Docket No. 3815-SO
SCHALISA M. TATE)
NPN# 3312170)

SUMMARY ORDER

(Pursuant to K.S.A. 2007 Supp. 40-4909 and K.S.A. 77-501)

Pursuant to the authority granted to the Commissioner of Insurance ("Commissioner") by K.S.A. 2007 Supp. 40-4909, the Commissioner hereby revokes the nonresident agent's license of Respondent, Schalisa M. Tate. 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 December 22, 2004.
2. KID records further indicate a legal and mailing address of c/o Liberty Mutual, 100 Lincolnway W, Mishawaka, IN 46544.
3. The National Association of Insurance Commissioners ("NAIC") Regulatory Information Retrieval System ("RIRS") database reflects the following actions: Respondent was assessed a monetary penalty in the State of New York, effective January 8, 2008, for failure to respond/demonstrated lack of fitness or trustworthiness/failure to report other state action; Respondent's license was revoked in the State of South Dakota, effective January 25, 2008 for failure to respond/failure

to report other state action; Respondent's license was revoked in the State of Virginia, effective June 18, 2007, for failure to respond/other states action.

4. On February 8, 2008, Leroy Brungardt, Producers Division of Kansas Insurance Department wrote a letter to Ms. Tate inquiring about the administrative action taken by South Dakota and Virginia. Ms. Tate did not respond
5. To date, Respondent has failed to notify KID of the actions taken by the State of New York, Virginia, and South Dakota.
6. On March 21, 2008, another letter was sent to Respondent by the legal division of KID requesting information regarding the administrative actions taken by the States of New York, Virginia and South Dakota.
7. To date, Respondent has failed to respond to the letter sent by the legal division of KID.

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:
 - (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;
 - (9) Had an insurance agent license, or its equivalent, denied, suspended or revoked in any other state, district or territory.
 - (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. 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 Respondent 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 Respondent's Kansas license may be revoked because Respondent's South Dakota and Virginia license's were revoked and she was subject to a monetary penalty in the State of New York, pursuant to K.S.A. 2007 Supp. 40-4909(a)(9).
13. The Commissioner finds that Respondent 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 the disciplinary action taken by the State of New York Department of Insurance on January 8, 2008; the State of South Dakota Department of Insurance on January 25, 2008 and the State of Virginia Department of Insurance on June 18, 2007.

14. The Commissioner finds, pursuant to K.S.A. 2007 Supp. 40-4909(b), that the insurable interests of the public are not properly served under Respondent's license.
15. Accordingly, the Commissioner concludes sufficient grounds exist for the revocation of the insurance agent's license of Schalisa M. Tate 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 SCHALISA M. TATE is hereby **REVOKED** effective the effective date of this Order.
2. **IT IS FURTHER ORDERED** that SCHALISA M. TATE 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

Schalisa M. Tate, 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 23rd 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 23rd day of April, 2008, by causing the same to be deposited in the United States Mail, first class postage prepaid, addressed to the following:

Schalisa M. Tate
c/o Liberty Mutual
100 Lincolnway W.
Mishawaka, IN 46544

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