

FINAL ORDER

Effective: 06-20-08

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

In the Matter of the Application)
For Kansas Resident Insurance) Docket No. 3875-SO
Agent’s License of)
HAL RUSSELL WARD)

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 by K.S.A. 2007 Supp. 40-4909 and K.S.A. 77-501, I, Sandy Praeger, the duly elected and qualified Commissioner of Insurance (“Commissioner”) hereby make the following Findings of Fact, Conclusions of Law, and Order. 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 Hal Russell Ward (“Respondent”) applied for licensure as a Kansas Resident Insurance Agent on or about April 24, 2008.
2. KID records further indicate Respondent’s mailing address as 205 Scott Street, PO Box 7, Copeland, Kansas 67837-0007.
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. Respondent provided with his application a criminal history record check provided from www.peoplelookup.com. This criminal history record check identified two criminal cases and two civil cases involving the Respondent.
5. As a result KID also requested and obtained a record check from the Kansas Bureau of Investigation (“KBI”) regarding the Respondent.
6. The KBI record check revealed that the Respondent had been charged and convicted in six separate criminal cases. They are as follows:
 - a. Respondent was convicted in Haskell County District Court in December of 1987 on one count of Attempted Sale of Opiates, Opium or Narcotic Durgs, a violation of K.S.A. 65-2127(a)(b), a felony. Respondent was sentenced to 12 to 60 months confinement and placed on probation for a term of 24 months.
 - b. In May of 1993, Respondent was convicted in Finney County District Court of one count of Burglary, Unknown Structure, a violation of K.S.A. 21-3715, a felony. Respondent was sentenced to 24 to 60 months confinement and placed on probation for a term of 24 months.
 - c. In January of 2000 Respondent was charged in Haskell County District Court case number 00CR3. Respondent was convicted of one county of Sale, etc. of Opiates, Opium or Narcotic Drug, a violation of K.S.A. 65-4161A, a felony and was placed on probation for 30 months.
 - d. In November of 2000, Respondent was charged in Finney County District Court case number 00CR590. Respondent was convicted of one count of Theft, a violation of K.S.A. 21-3701, a felony. Respondent was sentenced

to 10 months confinement and placed on probation for a term of 12 months. Respondent was additionally ordered to pay restitution in the amount of \$10,342.00.

- e. In June of 2001, Respondent was charged in Ford County District Court case number 01CR277. Respondent was convicted of one count of Theft, a violation of K.S.A. 21-3701, a felony. Respondent was sentenced to 10 months confinement and placed on probation for term of 12 months.
- 7. A check of the Kansas Adult Supervised Population Electronic Repository (“KASPER”), shows that the Respondent was incarcerated at the Kansas Department of Corrections for Finney County case number 00CR590; Ford County case number 01CR277; Haskell County case number 00CR3 and Logan County case number 87CR22. Respondent was last discharged from KDOC on February 22, 2006.
- 8. Respondent’s self-provided record check only disclosed convictions in Logan County, Kansas and Haskell County, Kansas. Respondent did not disclose any additional criminal history or convictions.

Applicable Law

- 9. 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

Based on the Findings of Fact enumerated in Paragraphs #1 through #8 and the Applicable Law above, the Commissioner finds:

10. The Commissioner has jurisdiction over Mr. Ward as well as the subject matter of this proceeding, and such proceeding is held in the public interest.
11. Respondent has been convicted of numerous felony offenses.
12. The Commissioner finds that sufficient grounds exist for the denial of Respondent's Uniform Application for Individual Insurance Producer License based upon Respondent's felony convictions noted above pursuant to K.S.A. 2007 Supp. 40-4909(a)(6).
13. The Commissioner finds, pursuant to K.S.A. 40-4909(b), that the insurable interests of the public are not properly served under Mr. Ward's proposed license.
14. The Commissioner finds that the Respondent has failed to demonstrate pursuant to 18 U.S.C. §1033 that he is fit to participate in the business of insurance without constituting a risk to consumers or insurers.
15. Based on the facts and circumstances set forth herein, it appears that use of the summary proceedings in this matter are 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 law and the protection of the public interest does not require the KID to give notice and opportunity to participate to persons other than HAL RUSSELL WARD.

IT IS THEREFORE ORDERED BY THE COMMISSIONER OF INSURANCE THAT:

Respondent's Application for Kansas Resident Insurance Agent's License is hereby **DENIED**.

NOTICE AND OPPORTUNITY FOR HEARING

Hal Russell Ward, 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

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For Kansas Resident Insurance
Agent's License of
HAL RUSSELL WARD

IT IS SO ORDERED THIS 27th DAY OF MAY, 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 27th day of May, 2008, by causing the same to be deposited in the United States Mail, first class postage prepaid, addressed to the following:

Hal Russell Ward
205 Scott Street
PO Box 7
Copeland, KS 67837-0007

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

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