

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

In the Matter of the Application)
For Kansas Resident Insurance) Docket No. 3932-SO
Agent’s License of)
LOYAL DEAN WEDEL)

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 Loyal Dean Wedel (“Respondent”) applied for licensure as a Kansas Resident Insurance Agent on or about August 1, 2008.
2. KID records further indicate Respondent’s mailing address as 3484 Falcon, Tampa, KS 67438-7000.
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 a copy of the Information from the District Court of Kansas, Hamilton County case number 95-CR-14 which charged the Respondent with violating K.S.A. 21-3506(a)(3)(A) or (B), Aggravated Criminal Sodomy with a Minor.
5. On May 18, 1995, Respondent was bound over for trial after a preliminary hearing in which the Respondent did not present any evidence.
6. The KBI Criminal History Records show that the Respondent was convicted of one count of Aggravated Criminal Sodomy, No consent a violation of K.S.A. 21-3605 (A)(3) on October 31, 1995.
7. The Respondent was sentenced on October 31, 1995 to an underlying term of 68 months in prison, this sentence was suspended and the Respondent was placed on probation for a term of 60 months.
8. As a result of his conviction Respondent was required to register as a sex offender as per K.S.A. 22-4901, the Kansas Offender Registration Act. As of June 21, 2006, Respondent satisfied those requirements and is no longer required to register as a sex offender.

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. Wedel as well as the subject matter of this proceeding, and such proceeding is held in the public interest.
11. Respondent was convicted of Felony Aggravated Criminal Sodomy, a violation of K.S.A. 21-3605(a)(3)(A), a level 2 person felony.
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 conviction 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. Wedel's proposed license.
14. 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 LOYAL DEAN WEDEL.

IT IS THEREFORE ORDERED BY THE COMMISSIONER OF INSURANCE THAT:

In the Matter of the Application
For Kansas Resident Insurance
Agent's License of
LOYAL DEAN WEDEL

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

NOTICE AND OPPORTUNITY FOR HEARING

Loyal Dean Wedel, 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 25th DAY OF AUGUST, 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 25th day of August, 2008, by causing the same to be deposited in the United States Mail, first class postage prepaid, addressed to the following:

Loyal Dean Wedel
3484 Falcon
Tampa, KS 67483-7000

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

NOTICE OF RIGHTS

Pursuant to K.S.A. §77-601 et seq. Loyal Dean Wedel 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, Loyal Dean Wedel 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 ___18th_ day of September, 2008, by causing the same to be deposited in the United States Mail, first class postage prepaid, addressed to the following:

Loyal Dean Wedel
3484 Falcon
Tampa, Kansas 67483-7000

_s/ Stacy R. Bond _____
Stacy R. Bond
Staff Attorney