

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

In the Matter of the Kansas )  
Nonresident Insurance Agent's License of ) Docket No. 3978-SO  
**HOWARD FARBER** )  
NPN: # 8668691 )

**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. 40-4909, the Commissioner hereby revokes the nonresident agent's license of Respondent, **HOWARD FARBER** ("Respondent"). 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 15, 2005.
2. KID records further indicate a legal and mailing address of 243-14 73<sup>rd</sup> Ave., Little Neck, NY 11362-2320.
3. On or about December 15, 2008, Humana informed the Producer's division of KID that Respondent was convicted of a "felony involving moral turpitude."
4. On December 16, 2008 Mr. LeRoy Brungardt, Director of KID Producer's Division wrote to Respondent requesting an explanation or response to the information provided by Humana. To date, no answer has been received.

**Applicable Law**

5. K.A.R. 40-7-9 requires a licensed producer to notify the Kansas Insurance Department within thirty (30) days of each disciplinary action taken on the insurance agent's license by the insurance regulatory agency of any other state; and,
6. 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:
    - (6) Been convicted of a misdemeanor or felony.  
\* \* \*
    - (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.
7. K.S.A. 2007 Supp. 40-4906 and K.S.A. 2007 Supp. 40-4908 provide for the issuance of a nonresident agent's license in reliance upon the agent's valid license in the agent's home state.

**Conclusions of Law**

8. The Commissioner has jurisdiction over HOWARD FARBER as well as the subject matter of this proceeding, and such proceeding is held in the public interest.
9. The Commissioner finds that Respondent's Kansas license may be revoked because HOWARD FARBER has been convicted of a misdemeanor or felony.
10. The Commissioner finds that Respondent's Kansas license may be revoked because he did not respond to a proper inquiry of the Commissioner

11. The Commissioner finds, pursuant to K.S.A. 40-4909(b), that the insurable interests of the public are not properly served under Respondent's license.
12. Accordingly, the Commissioner concludes sufficient grounds exist for the revocation of the insurance agent's license of HOWARD FARBER pursuant to K.S.A. 40-4909(a) and (b).

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

1. The Kansas Nonresident Insurance Agent's License of **HOWARD FARBER** is hereby **REVOKED** effective the effective date of this Order.
2. **IT IS FURTHER ORDERED** that **HOWARD FARBER** 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**

HOWARD FARBER, 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 Respondent 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 23rd DAY OF MARCH, 2009, IN THE CITY OF TOPEKA, COUNTY OF SHAWNEE, STATE OF KANSAS.**



\_\_\_\_\_  
/s/ Sandy Praeger  
Sandy Praeger  
Commissioner of Insurance

BY:

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/s/ John W. Campbell  
John W. Campbell  
General Counsel

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that he served the above and foregoing Summary Order on this 23rd day of March, 2009, by causing the same to be deposited in the United States Mail, first class postage prepaid, addressed to the following:

HOWARD FARBER  
243-14 73<sup>rd</sup> Ave.  
Little Neck, NY 11362-2320

\_ /s/ John R. Dowell \_\_\_\_\_  
John R. Dowell  
Staff Attorney