

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

In the Matter of the Kansas)
Resident Insurance Agent’s License of) Docket No. 3917-SO
MARGARET FITZHUGH)
NPN #6111406)

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, Margaret Fitzhugh (“Ms. Fitzhugh”). 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 resident agent to transact the business of insurance in the State of Kansas, and has been so licensed since September 27, 2000.
2. KID records further indicate a legal address and mailing address of 550 Eisenhower Rd., Leavenworth, KS 66048-1190.
3. On May 2, 2008, in Leavenworth County District Court case number 2007-CR-852 Respondent was convicted of one count of Attempted Theft a violation of K.S.A. 21-3301 and K.S.A 21-3701, a level 10 non-person felony.
4. Sentencing in the matter was held on May 28, 2008, at that time Respondent was sentenced to six (6) months suspended and placed on 12 months probation.

5. As a part of Respondent's probation she were ordered to pay restitution in the amount of \$11,628.08, with payments of \$1050.00 a month to commence on June 28, 2008.

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) by having 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.
 - (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

7. The Commissioner has jurisdiction over Respondent as well as the subject matter of this proceeding, and such proceeding is held in the public interest.
8. The Commissioner finds that Respondent's conduct in having been found guilty of attempted theft for the misuse of funds from a volunteer organization is a violation of K.S.A. 2007 Supp. 40-4909(a)(6) and K.S.A. 2007 Supp. 40-4909(a)(8).

9. 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.
10. Accordingly, the Commissioner concludes sufficient grounds exist for the revocation of the insurance agent's license of Margaret Fitzhugh 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 Resident Insurance Agent's License of MARGARET FITZHUGH is hereby **REVOKED** effective the effective date of this Order.
2. **IT IS FURTHER ORDERED** that MARGARET FITZHUGH 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

Margaret Fitzhugh, 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 18th 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 18th day of August, 2008, by causing the same to be deposited in the United States Mail, first class postage prepaid, addressed to the following:

Margaret Fitzhugh
550 Eisenhower Rd.
Leavenworth, KS 66048-1190

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