

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

In the Matter of the Kansas Resident)
Insurance Agent's License of) Docket No. 3983-SO
Robert L. Hoffman)
NPN/License No. 573037)

SUMMARY ORDER
(Pursuant to K.S.A. 40-4909 and K.S.A. 77-537)

Pursuant to authority granted to the Commissioner of Insurance ("Commissioner") by K.S.A. 40-4909, the Commissioner hereby proposes to find facts and impose sanctions against the resident agent's license of ROBERT L. HOFFMAN by way of Summary Order as provided by K.S.A. 77-537. 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 from KID files and Respondent's statements to staff:

1. Records maintained by the KID indicate that the Respondent is licensed as a resident agent to transact the business of insurance in Kansas and has been so licensed since at least 1980.
2. KID records further indicate a legal address of 9946 Riley, Overland Park Kansas 66062.

3. On January 20, 2009 you admitted to Randy Adair, Anti-fraud investigator with KID that you withdrew funds from annuities of J.H. without his permission.

Applicable Law

4. K.S.A. 40-4909(a)(4) applies to the withholding, misappropriating or converting all monies received in the course of doing insurance business.

5. K.S.A. 40-4909(a)(8) forbids using any fraudulent, coercive or dishonest practice or demonstrated any incompetence, untrustworthiness or financial irresponsibility in the conduct of business in this state or elsewhere.

Conclusions of Law

6. The Commissioner has jurisdiction over Respondent as well as the subject matter of this proceeding, and such proceeding is held in the public interest.

The Commissioner finds, based on the facts contained in paragraph 3, that Respondent has demonstrated incompetence, untrustworthiness, or financial irresponsibility in the conduct of business.

7. Based on the Respondent's conduct as stated above, the Commissioner concludes that sufficient grounds exist for the revocation of Respondent's insurance agent's license pursuant to K.S.A. 2004 Supp. 40-4909(b) because such license is not properly serving the interests of the insurer and the insurable interests of the public.

8. Based on the facts and circumstances set forth herein, it appears that the use of summary proceedings in this matter is 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 the law and the protection of the public interest does not

require the KID to give notice and opportunity to participate to persons other than Michael E. Davin.

IT IS THEREFORE ORDERED BY THE COMMISSIONER OF INSURANCE THAT the Kansas resident insurance agent's license of Robert L. Hoffman is hereby **REVOKED**. **It is further ordered**, that Robert L. Hoffman 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 OF RIGHTS

(Pursuant to K.S.A. 77-542)

Robert L. Hoffman is entitled to a hearing pursuant to K.S.A. 77-537 and K.S.A. 77-542, the Kansas Administrative Procedure Act. If he desires a hearing, he must file a written request for a hearing with:

John W. Campbell, General Counsel
Kansas Insurance Department
420 S.W. 9th Street
Topeka, Kansas 66612

This request must be filed within fifteen (15) days from the date of service of this Order. If Robert L. Hoffman requests a hearing, the Kansas Insurance Department will notify him of the time and place of the hearing and information on procedures, right of representation, and other rights of parties relating to the conduct of the hearing, before commencement of the same.

If a hearing is not requested in the time and manner stated above, this Summary Order shall become effective as a Final Order upon the expiration of time for requesting

a hearing, pursuant to K.S.A. 77-613. In the event Robert L. Hoffman 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

**IT IS SO ORDERED THIS __15th__ DAY OF April, 2009, 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 serviced a true and correct copy of the above and foregoing **Notice** and **Summary Order** on this __15th__ day of March, 2009, by placing the same in the United States Mail, first class postage prepaid, addressed to the following:

Robert L. Hoffman
9946 Riley
Overland Park, KS 66212

_____/s/ John R. Dowell_____
John R. Dowell
Staff Attorney

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Agent License of Robert L. Hoffman