

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

In the Matter of the Kansas )  
Nonresident Insurance Agent's License of ) Docket No. 4025-SO  
**VINCENT J. KLESZCZ** )  
NPN: # 8953221 )

**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, **VINCENT J. KLESZCZ** ("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 February 20, 2007.
2. KID records further indicate a legal and mailing address of 4529 Butterfly Way, Keller, Texas 76248.
3. On or about April 2, 2009, the Producer's division of KID learned that Respondent's Virginia nonresident license was revoked on March 18, 2009.
4. On or about the same date, the Producer's division of KID learned that Respondent was disciplined by South Dakota for "Failure to Report Other State Action". A monetary penalty was assessed pursuant to a consent order effective March 4, 2009.

5. Respondent has not reported either action to KID.

**Applicable Law**

6. 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,
7. 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:
    - (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**

8. The Commissioner has jurisdiction over VINCENT J. KLESZCZ 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 he failed to report to the Commissioner discipline by two other jurisdictions within the mandatory reporting time.
10. 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.

11. Accordingly, the Commissioner concludes sufficient grounds exist for the revocation of the insurance agent's license of VINCENT J. KLESZCZ 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 **VINCENT J. KLESZCZ** is hereby **REVOKED** effective the effective date of this Order.

2. **IT IS FURTHER ORDERED** that **VINCENT J. KLESZCZ** 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**

**VINCENT J. KLESZCZ**, 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 10th DAY OF AUGUST, 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 he served the above and foregoing Summary Order on this 10th day of August, 2009, by causing the same to be deposited in the United States Mail, first class postage prepaid, addressed to the following:

Vincent J. Kleszcz  
4529 Butterfly Way  
Keller, TX 76248

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