

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

In the Matter of the Kansas Nonresident )  
Insurance Agent's License of ) Docket No. 3987-SO  
**HECTOR ERNESTO MENDOZA** )  
**NPN #8234058** )

**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 nonresident agent's license of Hector Ernesto Mendoza 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 nonresident agent to transact the business of insurance in Kansas and has been so licensed since March 14, 2008.
2. KID records further indicate a legal address of 2980 Brando Drive, San Diego, California, 92154.

3. The National Association of Insurance Commissioners (“NAIC”) Regulatory Information Retrieval System (“RIRS”) database reflects the following actions: Respondent’s California Resident License was revoked in August 2008 because of a felony conviction. Respondent has not reported the revocation to KID.

**Applicable Law**

4. K.S.A. 40-4909(a) provides, in relevant part:

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.

5. The Commissioner may revoke any license issued under the Insurance Agents Licensing 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. K.S.A. 40-4909(b).

6. Each person licensed in Kansas shall report “all details of any conviction of a misdemeanor or felony[.]” and “[E]ach disciplinary action on the agent’s license” by any state within thirty (30) days of the occurrence. K.A.R. 40-7-9(d) and (a) respectively.

**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. The Commissioner finds, based on the facts contained in paragraph 3 that Respondent has been convicted of a felony and did not report the same to KID in a timely manner. Respondent’s resident license to sell insurance has been revoked.

8. Based on the Respondent's conduct, 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.

9. 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 Hector Ernesto Mendoza.

**IT IS THEREFORE ORDERED BY THE COMMISSIONER OF INSURANCE THAT** the Kansas nonresident insurance agent's license of Hector Ernesto Mendoza is hereby **REVOKED**. **It is further ordered**, that Hector Ernesto Mendoza 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)

**Hector Ernesto Mendoza** is entitled to a hearing pursuant to K.S.A. 77-537 and K.S.A. 77-542, the Kansas Administrative Procedure Act. If Respondent desires a hearing, he must file a written request for a hearing with:

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

This request must be filed within fifteen (15) days from the date of service of this Order. If Respondent 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 Respondent 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. 9<sup>th</sup> Street  
Topeka, Kansas 66612

**IT IS SO ORDERED THIS \_\_19th\_\_ DAY OF MAY, 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 \_\_19th\_\_ day of May, 2009, by placing the same in the United States Mail, first class postage prepaid, addressed to the following:

Hector Ernesto Mendoza  
2980 Brando Drive  
San Diego, CA 92154

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