

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

In the Matter of the Kansas Nonresident )  
Insurance Agent's License of ) Docket No. 4046 - SO  
**PHILIP B. NELSON** )  
NPN 1127766 )

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

Pursuant to the authority granted to the Commissioner of Insurance ("Commissioner") by K.S.A. §40-4909 *et seq.*, and in accordance with K.S.A. §77-537, the Commissioner hereby, at the stipulation of the parties determines the following actions against the Kansas Nonresident Insurance agent's license of Philip B. Nelson ("Respondent") 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.

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 4, 2008.
2. KID records further indicate a legal address of 2640 Webster St., San Francisco, CA 94123-4719.

3. On or about May 27, 2009 a review of the NAIC State Producer Licensing Report revealed that Respondent's New York nonresident producer's license was disciplined because of "Failure to Make Required Disclosure on License App." The discipline was effective February 9, 2009.

4. Respondent failed to report the discipline on his license to KID.

#### **Applicable Law**

5. 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:

(2) Violated:

(A) Any provision of chapter 40 of the Kansas Statutes Annotated, and amendments thereto, or any rule and regulation promulgated hereunder

6. 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).

7. A producer must inform the Commissioner of Insurance within 30 days of any discipline against a producer's license. K.A.R. 40-7-9(a).

#### **Conclusions of Law**

Based on the Findings of Fact enumerated above in Paragraphs #1 through #4 and the Applicable Law above:

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

Philip B. Nelson shall pay a penalty of Two Hundred Fifty Dollars (\$ 250.00) for his violation of the statutes and regulations of KID.

**NOTICE OF RIGHTS**

Respondent is entitled to a hearing pursuant to K.S.A. 77-537, the Kansas Administrative Procedure Act. If Respondent desires a hearing, the company 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 Respondent requests a hearing, the Kansas Insurance Department will notify the Respondent of the time and place of the hearing and information on the 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 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. 9th Street  
Topeka, Kansas 66612

IT IS SO ORDERED THIS   2nd   DAY OF OCTOBER, 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   2nd   day of   Oct.  , 2009, by placing the same in the United States Mail, first class postage prepaid, addressed to the following:

Mr. Philip B. Nelson  
Max California Ins. Services  
1 Front St., Suite 1450  
San Francisco, CA 94111-5329

and his attorney

Ms. Leslie Mansfield  
Drinker, Biddle & Reath LLP  
One Logan Square  
18<sup>th</sup> and Cherry Streets  
Philadelphia, PA 19103-6996

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

**Stipulation**

The undersigned agree to the above recitations and facts as well as the resultant penalty on the license of Philip B. Nelson.

\_ /s/ Philip B. Nelson \_\_\_\_\_  
Mr. Philip B. Nelson