

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

In the Matter of the Kansas)
NonResident Insurance Agent's License of) Docket No. 4053-SO
DARREL R. OHRENBURG)
NPN #846383)

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 nonresident agent's license of Respondent, Darrel R. Ohrenberg (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 currently licensed as a nonresident agent to transact the business of insurance in the State of Kansas, and has been so licensed as a nonresident agent since March 5, 2008.
2. KID records further indicate a legal address and mailing address of 7 M Street, Lake Lotawana, MO 64086.
3. On September 16, 2009 a letter was mailed to Respondent advising that there was a consumer complaint against him for adding words to a receipt signed by a consumer after the consumer signed the receipt.
4. Respondent telephoned the staff attorney who created the letter and was asked to write a response to the letter.

5. To date Respondent has failed to respond in writing to the letter advising of the consumer complaint.
6. The information currently held by KID is that Respondent added “I apologize for any inconvenience [sic] this has caused Mr. Ohrenberg. I sent in a postcard requesting Life insurance.” to a receipt Mr. Ohrenberg created when he returned the check for one hundred dollars (\$ 100.00) to the consumer.
7. The Consumer Assistance Division (CAD) of KID wrote to Respondent about the matter and Respondent failed to reply within the time requested by CAD.

Applicable Law

8. 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;
 - (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.
9. K.S.A. 40-2,125(b) requires one to respond to proper inquiries of the Commissioner of Insurance.
10. K.S.A. 21-3711 prohibits one from making a false writing upon which official action is induced.

Conclusions of Law

11. The Commissioner has jurisdiction over Respondent as well as the subject matter of this proceeding, and such proceeding is held in the public interest.
12. The Commissioner finds that Respondent's conduct stated above demonstrates incompetence in the conduct of business in this state a violation of K.S.A. 40-4909(a)(8).
13. 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.
14. Accordingly, the Commissioner concludes sufficient grounds exist for the revocation of the insurance agent's license of Darrel R. Ohrenberg 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 nonresident Insurance Agent's License of DARREL R. OHRENBERG is hereby **REVOKED** effective the effective date of this Order.
2. **IT IS FURTHER ORDERED** that DARREL R. OHRENBERG 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

Darrel R. Ohrenberg, 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 Respondent 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. 9th St.
Topeka, Kansas 66612

IT IS SO ORDERED THIS 26th 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 he served the above and foregoing Summary Order on this 26th day of Oct., 2009, by causing the same to be deposited in the United States Mail, first class postage prepaid, addressed to the following:

Darrel R. Ohrenberg
7 M Street
Lake Lotawana, MO 64086

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