

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

In the Matter of the Kansas Resident            )  
Insurance Agent's License of                    )  
**DOUGLAS L. ROACH**                                ) **Docket No. 3929-SO**  
NPN # 769790                                        )

**FINAL ORDER**

On January 27, 2009, the Hearing Officer, Robert M. Tomlinson, in the above-captioned matter, hereby made the following findings and enters the Order as follows:

**Procedural Issues**

This matter comes before the Hearing Officer as a result of the Kansas Insurance Department's issuance of a Summary Order on September 11, 2008 against Douglas L. Roach ("Respondent") for violation of K.S.A. 40-4909. Douglas L. Roach timely appealed the Summary Order and requested a hearing. A Prehearing was held on November 18, 2008. At the Prehearing, the Hearing Officer announced that Respondent should file by facsimile on that day his Prehearing Questionnaire, as well as file an amended Prehearing Questionnaire by November 26, 2008 listing his witnesses and their proposed testimony. Neither was received by the Department and the attorney for the Department filed a Motion for Summary Judgment or in the alternative Default. The Respondent did not reply to the Motion by the Department. The Hearing Officer, on January 27, 2009 announced, orally, his decision which is as follows:

**Issues**

Many issues were announced and discussed in the file, which is the record herein. They are incorporated herein by reference. However, the Hearing Officer made his determination on the following issues:

1. Is the Department entitled to Summary Judgment because the Respondent did not reply to the Motion?
2. Whether Respondent violated K.S.A. 40-4909(b) by showing irresponsibility in his business practices?

### **Decision**

1. The Respondent failed to respond to the Motion for Summary Judgment, therefore, the Department is entitled to such Judgment.

Respondent was entitled to, and was given the chance to, participate in all stages of this proceeding. However, the Respondent failed to fulfill the requirements ordered by the Hearing Officer by not fax filing his Prehearing Questionnaire or his Amended Prehearing Questionnaire. A Motion for Summary Judgment must be replied to in order to controvert facts. This was not done by Respondent. Therefore, the facts put forth by the attorney for the Kansas Insurance Department are uncontroverted and may be used to grant Judgment to the Department.

2. Respondent violated K.S.A. 40-4909(b) by being irresponsible in his business practices.

Respondent failed to maintain his license to sell insurance in the State of Kansas appropriately. Respondent failed to keep the Insurance Department apprised of his address where he could be reached. Respondent had issues with the Missouri Department of Revenue. This shows to the Hearing Officer a pattern of irresponsibility. Such a pattern is inappropriate for the sale of insurance.

### **Holding**

Because Respondent failed to respond to the proper Motion for Summary Judgment and because he has shown a pattern of irresponsibility in his business practices, his license to sell insurance in the State of Kansas is **REVOKED**. All other issues, holdings, findings and statements in the record are incorporated herein by reference.

IT IS SO ORDERED THIS 4th DAY OF MARCH, 2009 IN THE CITY OF TOPEKA, COUNTY OF SHAWNEE, STATE OF KANSAS.



/s/ Robert M. Tomlinson  
Robert M. Tomlinson  
Hearing Officer

### **NOTICE OF RIGHTS**

Pursuant to K.S.A. 77-601 *et seq.*, Douglas L. Roach is entitled to judicial review of this Final Order. The petition for judicial review must be filed within thirty (30) days of service of this Final Order (plus three [3] days for service by mail pursuant to K.S.A. 77-531). In the event Douglas L. Roach 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 SW 9<sup>th</sup> Street  
Topeka, KS 66612

### **CERTIFICATE OF SERVICE**

The undersigned hereby certifies that he served the above and foregoing Final Order on this 4th day of March, 2009, by causing the same to be deposited in the United States Mail, first class postage prepaid, addressed to the following:

Douglas L. Roach  
245 NE Bayview Dr.  
Lee's Summit, MO 64064

/s/ John R. Dowell  
John R. Dowell