

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

In the Matter of the Kansas Resident)
Insurance Agent's License of) Docket No. **3934--SO**
ERNEST E. ROBINSON)

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 non-resident agent's license of Ernest E. Robinson 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 resident agent to transact the business of insurance in Kansas and has been so licensed since December 8, 2006.
2. KID records further indicate a legal address of 400 15th Street South, Apartment 703, Arlington, VA 22202-2866.
3. By KID form signed January 11, 2008, Respondent notified KID that he had changed her mailing address from Kansas to Virginia.

4. KID wrote to Respondent on January 15, 2008, March 14, 2008, and June 16, 2008 requesting that Respondent prove that he had obtained a license in Virginia, his new state. Respondent did not provide such proof.

5. On September 8, 2008, Staff Attorney Stacy Bond wrote to Respondent notifying him of his violation of the Kansas Insurance law.

Applicable Law

6. 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 (see also 40-4204(1). . .(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. . .” K.S.A. 40-4909(a).

7. 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).

8. K.S.A. 40-4906(c)(1) requires a producer to provide certification from a new resident state.

9. K.S.A. 40-4906 provides for issuance of a nonresident agent’s license in reliance upon the agent’s valid license in the agent’s home state.

Conclusions of Law

10. 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 paragraphs 3, 4 and 5, that Respondent has demonstrated incompetence, untrustworthiness, or financial irresponsibility in the conduct of business.

11. Based on the Respondent's failure to keep KID informed as to the true residence address, or informed as to his licensure in Virginia, 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.

12. 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 Ernest E. Robinson.

IT IS THEREFORE ORDERED BY THE COMMISSIONER OF INSURANCE THAT the Kansas resident insurance agent's license of Ernest E. Robinson is hereby **REVOKED**. **It is further ordered**, that Ernest E. Robinson 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.

IT IS SO ORDERED THIS __4th__ DAY OF FEBRUARY, 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

NOTICE OF RIGHTS
(Pursuant to K.S.A. 77-542)

Ernest E. Robinson (Respondent) 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, she 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 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. 9th Street
Topeka, Kansas 66612

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 ___4th___ day of February, 2009, by placing the same in the United States Mail, first class postage prepaid, addressed to the following:

Ernest E. Robinson
400 15th Street South Apartment 703
Arlington, VA 22202-2866

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