

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

In the Matter of the Kansas Non-Resident )  
Insurance Agent's License of ) Docket No. 08-10903-SO  
MARY A. ROTHWELL )  
NPN #9652727 )

**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 Mary A. Rothwell 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 non-resident agent to transact the business of insurance in Kansas and has been so licensed since November 5, 2007.
2. KID records further indicate a legal address of 23513 W. 74<sup>th</sup> Terr., Shawnee, Kansas 66227 or 15497 NW 123<sup>rd</sup> St., Platte City, Missouri 64079.
3. By letters dated October 10, 2008, KID was notified that Respondent's appointments with The Mega Life Company, Mid-West National Life Insurance

Company of Tennessee and Chesapeake were terminated for cause because of improper business practices.

4. KID wrote to Respondent at both above listed addresses on December 10, 2008 and requested a response. Each of the letters were returned with stickers stating “Moved Left No Address Unable to Forward Return to Sender.”

#### **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 (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).

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. Each agent is required to notify KID within 30 days of changing residence address. K.A.R. 40-7-9(f).

#### **Conclusions of Law**

8. 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 and 4, that Respondent has demonstrated incompetence, untrustworthiness, or financial irresponsibility in the conduct of business.

9. Based on the Respondent's conduct which was reported by the three companies, as well as the failure to keep KID informed as to the true residence address, 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.

10. 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 Mary A. Rothwell.

**IT IS THEREFORE ORDERED BY THE COMMISSIONER OF INSURANCE THAT** the Kansas non-resident insurance agent's license of Mary A. Rothwell is hereby **REVOKED. It is further ordered,** that Mary A. Rothwell 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)

Mary Rothwell 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. 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 her 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 \_\_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

**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:

Mary A. Rothwell  
23513 W. 74<sup>th</sup> Terr.  
Shawnee, Kansas 66227

AND

15497 NW 123<sup>rd</sup> St.  
Platte City, Missouri 64079

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