

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

In the Matter of)
KANSAS RESIDENT INSURANCE) Docket No. 3963-SO
AGENT LICENSE OF)
JONNEY L. SELF)

SUMMARY ORDER

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 admonishes and assesses penalty against the Kansas Resident Insurance Agent License of Jonney L. Self (“Mr. Self”) for violation of the applicable provisions of the Kansas Insurance statutes. 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 a hearing is made, pursuant to K.S.A. §77-542.

Findings of Fact

The Commissioner has been shown the following facts:

1. Kansas Insurance Department records indicate Mr. Self, 210 Kansas Ave., Hutchinson, Kansas 67502-3024, is licensed as a Kansas Resident Insurance Agent and has been so licensed since March 2, 2000.
2. On or about January 31, 2008 Mr. Self approached Victim 1 and his wife regarding a life insurance policy with Americo Financial Life and Annuity Company (“Americo”).
3. At the time of the contact, Victim 1 had a policy in effect with Banker’s Life and Casualty (“Banker’s Life”).

4. According to Victim 1's wife's complaint, Mr. Self convinced Victim 1 and his wife to enter the life insurance policy with Americo and give up the Banker's Life policy.
5. At the time Victim 1 entered the contract, he did not have sufficient funds in his checking account to pay the premium due on the Americo policy.
6. Mr. Self agreed to loan Victim 1 the amount necessary to pay the premium from his personal checking account.
7. Victim 1 subsequently repaid the premium amount in full when he had sufficient funds to do so.

Applicable Law

K.S.A. 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 and regulation promulgated thereunder;
 - (7) Admitted to or been found to have committed any insurance unfair trade practice or fraud in violation of K.S.A. 40-2404 and amendments thereto.

K.S.A. 40-2404 states, in pertinent part:

The following are hereby defined as unfair methods of competition and unfair or deceptive acts or practices in the business of insurance:

- (8) ...allowing, giving or offering to pay, allow or give, directly or indirectly, as inducement to such insurance, or annuity, any rebate of premiums payable on the contract, any special favor or advantage in the dividends or other benefits thereon, any valuable consideration or inducement whatever not specified in the contract.....or anything of value whatsoever not specified in the contract.

Conclusions of Law

Based on the Findings of Fact enumerated above in Paragraphs #1 through #7 and the Applicable Law above,

IT IS THEREFORE ORDERED BY THE COMMISSIONER OF INSURANCE:

8. Mr. Self's action in loaning money to Victim 1 to pay the premium on the Americo policy constitutes a violation of K.S.A. 40-2404(8) and K.S.A. 40-4909(a)(2)(A) and K.S.A. 40-4909(a)(7).
9. Pursuant to K.S.A. 40-2407(a)(1), Mr. Self shall pay an administrative penalty of Two Hundred Fifty Dollars and no cents (\$250.00) for the above-stated violation of K.S.A. 40-2404(8) and K.S.A. 40-4909(a).
10. The Commissioner shall maintain jurisdiction over this matter to issue any Order(s) deemed necessary and appropriate.

NOTICE OF RIGHTS

Jonney L. Self ("Mr. Self") is entitled to a hearing pursuant to K.S.A. 77-537, the Kansas administrative Procedure Act. If Mr. Self 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 Mr. Self requests a hearing, the Kansas Insurance Department will notify the company 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 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 Mr. Self 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 24th 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 above and foregoing Summary Order was served via the United States Postal Service, first-class postage prepaid, on this 24th day of Feb., 2009, addressed to the following:

Mr. Jonney Self
210 Kansas Ave.
Hutchinson, KS 67502-3024

/s/ Zachary J.C. Anshutz
Zachary J.C. Anshutz
Assistant General Counsel