

FINAL ORDER

Effective: 07-20-09

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

In the Matter of Kansas)
Resident Insurance Agent License) Docket No. 3958-CO
Of **CHRISTY TANNER**)

STIPULATED 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, at the stipulation of the attorneys for the parties, as well as that of Ms. Tanner, determines the following actions against the Kansas Resident Insurance Agent License of Christy Tanner (“Ms. Tanner”) for violation of the applicable provisions of the Kansas Insurance statutes. This Stipulated 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. Records maintained by the Kansas Insurance Department (“KID”) indicate Ms. Tanner is licensed as a resident agent to transact the business of insurance in the State of Kansas, and has been so licensed since November 4, 2004.
2. KID records further indicate a legal address and mailing address for Respondent of 712 Wellington Road, Lawrence, Kansas 66049-4525.
3. On or about April 2, 2002, a complaint/information was filed in Johnson County, Kansas District Court case number 02CR00865 charging Ms. Tanner with one count of issuing a bad check, a level 9 nonperson felony. Ms. Tanner subsequently entered a plea to one count of misdemeanor violation of the check laws and sentencing was scheduled for September 14, 2005.

4. Sentencing in the matter was held on September 14, 2005. At that time Ms. Tanner was sentenced to 9 (nine) months in county jail. That sentence was suspended and Ms. Tanner was placed on 24 months supervised probation.

5. As a part of the above stated probation, Ms. Tanner was ordered to pay restitution in the amount of Fourteen Thousand Three Hundred Thirty Seven Dollars and Twenty Six Cents (\$14,337.26). Said probation, and restitution, is still not completed.

6. As stated above, between the time of the filing of the complaint/information and the time of sentencing, Ms. Tanner applied for and was granted a resident insurance agent's license.

7. At no time has Ms. Tanner notified KID about her conviction of a misdemeanor.

Applicable Law

8. 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;

(6) Been convicted of a misdemeanor or felony; and

(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.

9. K.A.R. 40-7-9 states, in pertinent part:

Each person licensed in this state as an insurance agent shall report the following to the commissioner of insurance within 30 days of occurrence:

(d) all details of any conviction of a misdemeanor or felony.

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:

1. Ms. Tanner was convicted of a misdemeanor and did not report it, in violation of K.A.R. 40-7-9.
2. Ms. Tanner owes considerable restitution because of the conviction, showing financial irresponsibility, in violation of K.S.A. 40-4909(a)(8).
3. The parties agree and stipulate that Ms. Tanner's license to sell insurance in the State of Kansas is suspended. Said license shall be suspended until such time as Ms. Tanner proffers to the Producer's Division of KID proof of her satisfaction of the terms of her probation and satisfies the Commissioner that, during said voluntary suspension, she has complied with K.S.A. 40-4909. At the time of Ms. Tanner's proffer, if the proof is acceptable to the Producer's Division and the Commissioner finds no violation of K.S.A. 40-4909, Ms. Tanner's license to sell insurance in the State of Kansas shall be reinstated.

NOTICE OF RIGHTS

Christy Tanner ("Ms. Tanner") is entitled to a hearing pursuant to K.S.A. 77-537, the Kansas administrative Procedure Act. If Ms. Tanner 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 Ms. Tanner requests a hearing, the Kansas Insurance Department will notify her 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 Ms. Tanner 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 __29th__ DAY OF JUNE, 2009, IN THE CITY OF TOPEKA,
COUNTY OF SHAWNEE, STATE OF KANSAS.**



_____/s/ Sandy Praeger_____

Sandy Praeger
Commissioner of Insurance

BY:

_____/a/ John W. Campbell_____

John W. Campbell
General Counsel

Stipulation

The undersigned agree to the above recitations and facts as well as the resultant suspension of Ms. Tanner's license.

/s/ Christy Tanner
Christy Tanner

/s/ Brian Johnson
Brian Johnson

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 29th day of June, 2009, addressed to the following:

Ms. Christy Tanner
712 Wellington Road
Lawrence, KS 66049-4525

Mr. Brian Johnson, Esq.
Attorney at Law
1417 Marilee
Lawrence, KS 66049
Counsel for Christy Tanner

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