

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

In the Matter of the Kansas )  
Nonresident Insurance Agent’s License of ) Docket No. 3936-SO  
**MATTHEW ANDREW TUCKER** )  
NPN: # 9418795 )

**SUMMARY ORDER**

(Pursuant to K.S.A. 2007 Supp. 40-4909 and K.S.A. 77-501)

Pursuant to the authority granted to the Commissioner of Insurance (“Commissioner”) by K.S.A. 40-4909, the Commissioner hereby revokes the resident/nonresident agent’s license of Respondent, **MATTHEW ANDREW TUCKER** (“Respondent”). 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:

1. On August 18, 2008 a PDB report from the NAIC showed that Respondent had resident licenses in both Kansas and Arizona.
2. On January 17, 2008, Karen Evans, Senior Administrative Assistant, Producers Division sent a letter to Respondent at his Kansas City, Kansas address advising that he needed to provide “a letter of clearance from your previous state of residence, or a proof that your Arizona resident license has been canceled or converted to a nonresident license.” This same letter was again sent to your reported addresses in Kansas on March 17, 2008 and June 17, 2008.
3. On July 22, 2008, Leroy Brungardt, Director Producers Division, sent a letter to Respondent’s registered Kansas City, Kansas address, explaining that records show that Respondent still did have a resident Arizona insurance agent’s license. Mr.

Brungardt advised Respondent that he needed to verify that he terminated his Arizona license or changed the Arizona resident license to a nonresident license. Further Respondent was instructed to submit this information no later than August 15, 2008.

4. To this date, Respondent has not submitted either a verification or proof of change of license type.

#### **Applicable Law**

5. K.S.A. 40-4905 requires a producer to provide verification that as a Kansas resident he should have his Arizona resident license terminated.
6. K.A.R. 40-1-34(6)(b) requires a producer to respond to an inquiry from the Kansas Insurance Department.
7. K.S.A. 2007 Supp. 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;
  - (b) In addition, the commissioner may suspend, revoke or refuse renewal of any license issued under this 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.

#### **Conclusions of Law**

8. The Commissioner has jurisdiction over MATTHEW ANDREW TUCKER as well as the subject matter of this proceeding, and such proceeding is held in the public interest.

9. The Commissioner finds that Respondent's Kansas license may be revoked because MATTHEW ANDREW TUCKER has not shown proof that he is licensed only in Kansas, his state of residence.
10. The Commissioner finds, pursuant to K.S.A. 40-4909(b), that the insurable interests of the public are not properly served under Respondent's license.
11. Accordingly, the Commissioner concludes sufficient grounds exist for the revocation of the insurance agent's license of MATTHEW ANDREW TUCKER pursuant to K.S.A. 40-4909(a) and (b).

**IT IS THEREFORE ORDERED BY THE COMMISSIONER OF INSURANCE THAT:**

1. The Kansas Resident and any Nonresident Insurance Agent's License of MATTHEW ANDREW TUCKER are hereby **REVOKED** effective the effective date of this Order.
2. **IT IS FURTHER ORDERED** that NAME 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 AND OPPORTUNITY FOR HEARING**

MATTHEW ANDREW TUCKER, within fifteen (15) days of service of this Summary Order, may file with the Kansas Insurance Department a written request for hearing on this Summary Order, as provided by K.S.A. 77-542. In the event a hearing is requested, such request should be directed to:

John W. Campbell, General Counsel  
Kansas Insurance Department  
420 S.W. 9<sup>th</sup> Street  
Topeka, Kansas 66612

Any costs incurred as a result of conducting any administrative hearing shall be assessed against the agent/agency who is the subject of the hearing as provided by K.S.A. 40-4909(f). Costs shall include witness fees, mileage allowances, any costs associated with reproduction of documents which become part of the hearing record, and the expense of making a record of the hearing.

If a hearing is not requested, this Summary Order shall become effective as a Final Order, without further notice, upon the expiration of the fifteen (15) day period for requesting a hearing. The Final Order will constitute final agency action in the matter.

In the event the Respondent files a petition for judicial review, the agency officer designated pursuant to K.S.A. 77-613(e) to receive service of a petition for judicial review on behalf of the Kansas Insurance Department is:

John W. Campbell, General Counsel  
Kansas Insurance Department  
420 S.W. 9<sup>th</sup> St.  
Topeka, Kansas 66612

**IT IS SO ORDERED THIS 20th DAY OF MARCH, 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 served the above and foregoing Summary Order on this \_\_\_20th\_\_\_ day of \_\_\_March\_\_\_, 2009, by causing the same to be deposited in the United States Mail, first class postage prepaid, addressed to the following:

Matthew Andrew Tucker  
1501 S. 94<sup>th</sup> St.  
Kansas City, KS 66111-3543

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