DEFORE THE COMMISSIONER OF INSURANCE OF THE STATE OF KANSAS

In the Matter of the Kansas Nonresident)		
Insurance Agent's License of)	Docket No. 4237C	0;
MARCUS A.E. AMENT)		
NPN #8754180)		

CONSENT AGREEMENT AND FINAL ORDER

Pursuant to the authority granted to the Commissioner of Insurance ("Commissioner") by K.S.A. 40-103 and in accordance with K.S.A. 40-4901 *et seq.*, and K.S.A. 77-501 *et seq.*, the Commissioner hereby accepts the stipulations of the parties and accepts surrender of the Kansas nonresident insurance agent's license of Marcus A.E. Ament. This Consent Agreement shall become effective as a Final Order, without further notice, when signed by the Commissioner or her designee and filed of record with the Kansas Insurance Department ("KID").

Findings of Fact

- 1. Records maintained by the Kansas Insurance Department ("KID") reflect that Respondent is licensed as an agent to transact the business of insurance in Kansas and has been so licensed since April 12, 2006.
- 2. KID records indicate Respondent's prior legal address was in Prairie Village Kansas.
- 3. On or about March 25, 2010, KID received information indicating that Respondent had moved from Kansas to California.
- 4. Respondent's current address is 1025 2nd Street, Apt. 21, Santa Monica, CA 90403.

- 5. Despite multiple requests and reminders, to date, KID has not received proof that Respondent is licensed as a resident agent in California.
- 6. On November 15, 2010, KID served a Summary Order proposing revocation of Respondent's license based on his failure to comply with several provisions of Kansas insurance law and regulations related to the change of residency.
- 7. Respondent has requested cancellation of his Kansas nonresident insurance agent's license.
- 8. Respondent stipulates that he understands his right to have a hearing on the facts and disposition and to seek review of any adverse order in this matter.
- 9. Respondent expressly waives hearing and administrative and judicial review.

Applicable Law

- 10. 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 thereunder. . . .
- 11. "Unless denied licensure pursuant to K.S.A. 2009 Supp. 40-4909, and amendments thereto, a nonresident person shall receive a nonresident agent license if .
- . .[s]uch person is currently licensed as a resident and in good standing such person's home state.. . ." K.S.A. 40-4906(a)(1).
- 12. "Any insurance agent who resides in this state and who moves from this state to another state shall file with the commissioner within 30 days a change of address and provide certification from the new resident state." K.S.A. 40-4906(c)(2).

Conclusions of Law

13. The Commissioner has jurisdiction over Respondent as well as the subject

matter of this proceeding, and such proceeding is held in the public interest.

14. The Commissioner finds, based on the undisputed facts, that Respondent's

license may be revoked pursuant to K.S.A. 40-4909(a)(2)(A) and K.S.A. 40-4906(c)(2)

because Respondent has failed to comply with the statutory procedure for converting

his resident license to nonresident after a change of residency.

15. The Commissioner concludes that Respondent is not entitled to hold a Kansas

license because Respondent no longer qualifies for a resident insurance agent's license

and does not meet the requirements of K.S.A. 40-4906(a)(1) for obtaining a nonresident

license.

16. The Commissioner further concludes that the public interest is adequately served

by accepting surrender of Respondent's Kansas insurance agent license.

Stipulation

The undersigned stipulates and agrees to the above findings fact and

conclusions of law and waives his rights to administrative hearing and judicial review of

the Commissioner's Order.

/s/ Marcus A.E. Ament _11/29/2010_ Marcus A.E. Ament Date

Respondent

Prepared by:

_/s/ Brenda J. Clary_____

Brenda J. Clary

KID Staff Attorney

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IT IS THEREFORE ORDERED BY THE COMMISSIONER OF INSURANCE

THAT the Summary Order served upon Respondent by mail on _11-15___, 2010, shall have no force and effect, and surrender of the Kansas nonresident insurance agent's license of **MARCUS A.E. AMENT** is hereby accepted and effective on this day.

IT IS SO ORDERED THIS __3rd__ DAY OF __December__ 2010, IN THE CITY OF TOPEKA, COUNTY OF SHAWNEE, STATE OF KANSAS.



_/s/ Sandy Praeger Sandy Praeger Commissioner of Insurance	
BY:	
_/s/ Robert M. Tomlinson Robert M. Tomlinson	_

Assistant Commissioner of Insurance

Presiding Officer

NOTICE

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 above and foregoing Consent Agreement and of Rights on this3rd day ofDec placed in the United States Mail, first class posta	Final Order and accompanying Notice 2010, by causing the same to be
MARCUS A.E. AMENT 1025 2 nd St., Apt. 21 Santa Monica, CA 90403-3619	
Е	/s/ Brenda J. Clary Brenda J. Clary Staff Attorney