

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

In the Matter of the Kansas Nonresident)
Insurance Agency License of) Docket No. 4123 - SO
AMERICAN PREMIER TITLE, LLC)
Agency Number 205972473)

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 nonresident agent’s license of American Premier Title, LLC (“Respondent”) 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.

1. Records maintained by the KID indicate that the Respondent is licensed as a resident agency to transact the business of insurance in Kansas.
2. KID records further indicate a legal and mailing address of 14221 Metcalr Avenue, Suite 119, Overland Park, KS 66223.
3. KID records show that Lynda Barnard is the responsible and contact person for Respondent.

4. On or about December 3, 2009, NCA Surety wrote to the Kansas Insurance Department informing it that the bond issued by it covering American Premier Title, LLC was cancelled.

5. Martin J. Hazen of KID wrote to Respondent on December 7, 2009, asking for an explanation and requesting proof of a new bond or irrevocable letter of credit, as required by K.S.A. 40-1139.

6. There has been no response by Respondent to said letter and no filing of any bond or letter of credit.

7. On March 19, 2010 the undersigned Staff Attorney wrote to Respondent setting forth the above facts. There has been no response to said letter.

Applicable Law

8. K.S.A. 40-2,125 requires a person to respond to a proper inquiry of the Commissioner; and

9. K.S.A. 40-1139 requires a title insurance company to file with the Commissioner of Insurance a bond or irrevocable letter of credit; and

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 hereunder

11. 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).

Conclusions of Law

12. 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 4, 5 and 6, that Respondent has demonstrated incompetence, untrustworthiness, or financial irresponsibility in the conduct of business.

13. Based on the Respondent's failure to file the bond or letter of credit necessary to do the business of Title Insurance, and the Respondent's failure to reply to the proper inquiry of the Commissioner, the Commissioner concludes that sufficient grounds exist for the revocation of Respondent's insurance agency license pursuant to K.S.A. 40-4909(b) because such license is not properly serving the interests of the insurer and the insurable interests of the public.

14. 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 Respondent.

IT IS THEREFORE ORDERED BY THE COMMISSIONER OF INSURANCE THAT the Kansas nonresident insurance agency license of American Premier Title, LLC is hereby **REVOKED. It is further ordered,** that American Premier Title, LLC 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)

American Premier Title, LLC 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, it 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 Respondent requests a hearing, the Kansas Insurance Department will notify it 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. 9th Street
Topeka, Kansas 66612

