

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

In the Matter of the Kansas Resident)
Insurance Agent's License of) Docket No. **4182--SO**
DANIEL W. COMPTON)
NPN #9743472)

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 revoke the Kansas resident insurance agent's license of Daniel W. Compton ("Respondent") by way of Summary Order as provided by K.S.A. 77-537.

Findings of Fact

1. Records maintained by the Kansas Insurance Department ("KID") reflect that Respondent is licensed as a resident agent to transact the business of insurance in Kansas and has been so licensed since January 7, 2008.
2. KID records further indicate Respondent's legal address is 8410 NE 110th Ter., Kansas City, Missouri, and his mailing address is 11235 N. Pennsylvania Ave., Kansas City, MO 64155-1895.
3. Following investigation, the Commissioner has no reason to believe that protection of the public interest requires the Commissioner to give notice and opportunity to participate to anyone other than the respondent.
4. Following investigation, the Commissioner finds evidence sufficient to support the following findings of fact:
5. On or about November 19, 2009, Respondent notified KID of changes in residential (legal) and mailing addresses.
6. Respondent's current residence is in Missouri.
7. On November 19, 2009, the Kansas Commissioner of Insurance issued a clearance letter verifying Respondent's Kansas resident license and qualifications.

8. By electronic mail message (email) dated February 16, 2010, KID staff notified Respondent that he was required to have resident status in Missouri or contact KID to make other arrangements by February 18, 2010.
9. Respondent replied that he was waiting for Missouri to process paperwork and make the change, and he requested an extension of time.
10. KID granted Respondent up to 60 additional days to obtain his Missouri resident license, and the Commissioner issued a new clearance letter dated February 17, 2010.
11. By email dated April 19, 2010, KID staff advised that action would be taken against Respondent's Kansas resident license if KID could not confirm that his Missouri license had been issued by May 19, 2010. Respondent was further notified that he could avoid that result by requesting cancellation of his Kansas license before May 19, 2010.
12. Respondent neither notified KID that he had been issued a Missouri license nor requested cancellation of his Kansas resident license by May 19, 2010.
13. By letter of May 24, 2010, the Acting Director of KID's producer licensing division requested Respondent show proof of his Missouri resident license by June 7, 2010.
14. Respondent did not show proof of a Missouri resident license by June 7, 2010.
15. Respondent is not yet licensed in Missouri.
16. By letter of July 20, 2010, counsel for KID wrote to Respondent at his address of record and invited Respondent to reply within 15 business days if he disputed the above.
17. Respondent did not reply, and the letter has not been returned.

Applicable Law

18. 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 . . . " K.S.A. 40-4909(a).
19. "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).

20. "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. 40-4909(c)(2).

Conclusions of Law

21. The Commissioner has jurisdiction over Respondent as well as the subject matter of this proceeding, and such proceeding is held in the public interest.

22. The Commissioner finds, based on the facts contained in paragraphs 5 through 17, that Respondent's license may be revoked pursuant to K.S.A. 40-4909(a)(2)(A) because Respondent has failed to comply with the statutory procedure for converting his resident license to nonresident after a change of residency.

23. More importantly, the Commissioner finds, based on the same facts, that Respondent's license must be revoked pursuant to K.S.A. 40-4906 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.

24. 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, the protection of the public interest does not require the KID to give notice and opportunity to participate to persons other than Respondents, and after investigation, KID believes in good faith that the allegations will be supported to the applicable standard of proof.

IT IS THEREFORE ORDERED BY THE COMMISSIONER OF INSURANCE THAT the Kansas resident insurance agent's license of **DANIEL W. COMPTON** is hereby **REVOKED**. **It is further ordered,** that **DANIEL W. COMPTON** 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 in Kansas on and after the effective date of this order.

IT IS SO ORDERED THIS 27th DAY OF AUGUST 2010, 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

NOTICE OF RIGHTS TO HEARING AND REVIEW

Within fifteen (15) days of the date of service of this Summary Order, Respondent may submit a written request for a hearing pursuant to K.S.A. 77-537 and K.S.A. 77-542. Any request for a hearing should be addressed to the following:

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

If a hearing is requested, the Kansas Insurance Department will serve notice 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.

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. 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 served a true and correct copy of the above and foregoing **Summary Order** and accompanying **Notice of Rights** on this ___27th___ day of August 2010, by causing the same to be placed in the United States Mail, first class postage prepaid, addressed to the following:

DANIEL W. COMPTON
11235 N. Pennsylvania Ave.
Kansas City, MO 64155-1895

_ /s/ Brenda J. Clary _____
Brenda J. Clary
Staff Attorney