

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

**In the Matter of the Kansas Nonresident)
Insurance Agent's License of) Docket No. 4195--SO
ANDREW H. HICKS)
NPN #5084041)**

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 nonresident insurance agent's license of Andrew H. Hicks ("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 nonresident agent to transact the business of insurance in Kansas and has been so licensed since August 18, 2008.
2. KID records further indicate Respondent's legal and mailing address is 6344 Foothill Road, Star, Idaho 83669-5000.
3. With a letter dated June 24, 2010, an attorney for Respondent forwarded a printout of the Jefferson County, Colorado, Combined Court's appearance docket reflecting that Respondent had been charged with multiple felony counts of fraud related to the sale of securities and convicted upon a plea of guilty to one count.
4. Although charging documents and the journal entry were not provided, it appears Respondent was convicted of one count of attempted securities fraud, in violation of

C.R.S. 11-51-501(1)(b), sentenced on May 24, 2010, to two years in the custody of the Jefferson County Jail on work release, and ordered to pay \$318,000.00 in restitution.

5. An inquiry was mailed to Respondent at his address of record on July 14, 2010, and returned as undeliverable by the postal service on July 21, 2010.

6. Further investigation indicated Respondent could be served by mail at the Jefferson County Jail by addressing correspondence PO Box 16700, Golden, CO 80402-6700, and the inquiry was mailed to that address and not returned.

7. To date, Respondent has not replied.

Applicable Law

8. 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; . . .

(6) Been convicted of a misdemeanor or felony . . .

(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. . . .” K.S.A. 40-4909(a).

9. C.R.S. 11-51-510(1) provides, “It is unlawful for any person, in connection with the offer, sale, or purchase of any security, directly or indirectly . . . (b) To make any untrue statement of a material fact or to omit to state a material fact necessary in order to make the statements made, in the light of the circumstances under which they are made, not misleading.” C.R.S. 11-51-510(1)(b).

10. In addition, 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

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

12. The Commissioner finds, based on the facts contained in paragraphs 5 and 6, that Respondent's license may be revoked pursuant to K.S.A. 40-4909(a)(2)(A) because Respondent failed to notify KID of a change of address within 30 days.

13. The Commissioner finds, based on the facts contained in paragraphs 3 and 4, that Respondent's license may be revoked pursuant to K.S.A. 40-4909(a)(6) because Respondent has been convicted of a felony.

14. The Commissioner finds, based on the elements of the crime of conviction, that Respondent's license may be revoked pursuant to K.S.A. 40-4909(a)(8) because Respondent has used fraudulent or dishonest practices in the conduct of business.

15. Based on the foregoing findings, the Commissioner concludes that sufficient grounds exist for the revocation of Respondent's insurance agent's license pursuant to K.S.A. 40-4909(a).

16. The Commissioner further concludes Respondent's license may be revoked 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.

17. 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 **ANDREW H. HICKS** is hereby **REVOKED**. It is further ordered, that **ANDREW H. HICKS** 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 on and after the effective date of this order.

IT IS SO ORDERED THIS __25th__ 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 25th day of August 2010, by causing the same to be placed in the United States Mail, first class postage prepaid, addressed to the following:

Andrew H. Hicks
6344 Foothill Road
Star, Idaho 83669-5000

And
Andrew H. Hicks
PO Box 16700
Golden, CO 80402-6700

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