

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

In the Matter of the Kansas)
Nonresident Insurance Agent's License of) Docket No. 4109-SO
JOHN W. HOWELL)
NPN: # 8632768)

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 nonresident agent's license of Respondent, **JOHN W. HOWELL** ("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. Records maintained by the Kansas Insurance Department ("KID") indicate Respondent is licensed as a nonresident agent to transact the business of insurance in the State of Kansas, and has been so licensed since September 19, 2006.
2. KID records further indicate a legal and mailing address of Suite B, 282 Memorial Ct., Crystal Lake, IL 60014-6277.
3. On or about December 17, 2009 Northwestern Mutual wrote to the Commissioner of KID showing that they terminated Respondent's appointment with Northwestern Mutual. The termination was because of an internal review regarding several potentially undisclosed OBAs, as well as an allegation that Respondent offered to increase clients' coverage

provided by their non-variable life insurance policies in exchange for elimination of a personal debt he owed to the clients.

4. On January 4, 2010 Mr. Dave McKee, Director of KID Producer's Division wrote to Respondent requesting an explanation or response to the information provided by Northwestern Mutual. To date, no answer has been received.
5. On March 3, 2010, the undersigned staff attorney wrote to Respondent outlining the above issues and inviting Respondent to respond within fifteen (15) business days. The letter has not been returned and the Respondent has not replied.

Applicable Law

6. 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:
 - (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.
7. K.S.A. 40-2,125(b) provides that a producer must respond to any proper inquiry of the Commissioner.

Conclusions of Law

8. The Commissioner has jurisdiction over JOHN W. HOWELL 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 nonresident license may be revoked because he did not respond to a proper inquiry of the Commissioner
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 JOHN W. HOWELL pursuant to K.S.A. 40-4909(a) and (b).

IT IS THEREFORE ORDERED BY THE COMMISSIONER OF INSURANCE THAT:

1. The Kansas Resident Insurance Agent's License of **JOHN W. HOWELL** is hereby **REVOKED** effective the effective date of this Order.

2. **IT IS FURTHER ORDERED** that **JOHN W. HOWELL** 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

JOHN W. HOWELL, 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. 9th 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. 9th St.
Topeka, Kansas 66612

IT IS SO ORDERED THIS 5th DAY OF April, 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

Certificate of Service

The undersigned hereby certifies that he served the above and foregoing Summary Order on this 5th day of April, 2010, by causing the same to be deposited in the United States Mail, first class postage prepaid, addressed to the following:

JOHN W. HOWELL
Suite B
282 Memorial Court
Crystal Lake, IL 60014-6277

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