

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

In the Matter of the Kansas Resident )  
Insurance Agent's License of ) Docket No. **4172--SO**  
**MONICA ANN MILLER** )  
NPN #6117946 )

**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 resident insurance agent's license of Monica Ann Miller ("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 December 8, 2003.
2. KID records further indicate a legal address of 111 S. Chicopee Road, Pittsburg, Kansas, and mailing address of 606 A North Broadway Street, Pittsburg, Kansas 66762.
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 Respondent.
4. Following investigation, the Commissioner finds evidence sufficient to support the following facts:

5. On or about April 23, 2010, Kid received notice from Farmers' Insurance Group that Respondent's agency contract had been terminated following an audit.
6. The report detailed that Respondent had, over a period of months, credited premium payments made by insureds and delayed deposits of cash and check payments, using cash for other purposes and depositing premium payments in arrears.
7. Respondent admitted to the auditor and in a written statement that she used cash premium payments "to make ends meet" for "about a year" and stated she intended to repay the outstanding premium payments but did not have the funds to do so.
8. As of February 23, 2010, Respondent's cash deposits were \$9,507.34 in arrears.
9. In a letter mailed to Respondent's address of record on May 26, 2010, counsel for KID informed Respondent of the foregoing information and invited Respondent to reply within 15 business days if she disputed it.
10. To date, Respondent has not replied.

#### **Applicable Law**

11. 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. . . (4) Improperly withheld, misappropriated or converted any moneys or properties received in the course of doing insurance business. . . (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).
12. 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**

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 facts contained in paragraphs 5 through 8, that Respondent has improperly withheld, misappropriated, or converted money or property received in the course of doing insurance business.

15. The Commissioner also finds that Respondent has used dishonest practices and demonstrated untrustworthiness or financial irresponsibility in the conduct of business.

16. 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. 2004 Supp. 40-4909(a).

17. The Commissioner further concludes Respondent's license may be revoked because such license is not properly serving the interests of the insurer and the insurable interests of the public.

18. 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 Respondent, 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 Monica Ann Miller is hereby **REVOKED**. It is further ordered, that Monica Ann Miller 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 \_\_12th\_\_ DAY OF JULY, 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. 9<sup>th</sup> 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. 9<sup>th</sup> Street  
Topeka, Kansas 66612

#### **Certificate of Service**

The undersigned hereby certifies that she serviced a true and correct copy of the above and foregoing **Summary Order** and accompanying **Notice of Rights** on this \_\_12th\_\_ day of \_\_July\_\_ 2010, by causing the same to be placed in the United States Mail, first class postage prepaid, addressed to the following:

Monica Ann Miller  
606 A North Broadway Street  
Pittsburg, KS 66762

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

**Certificate of Service**

The undersigned hereby certifies that she serviced a true and correct copy of the above and foregoing **Summary Order** and accompanying **Notice of Rights** on this 21st day of July 2010, by causing the same to be placed in the United States Mail, first class postage prepaid, addressed to the following:

Monica Ann Miller  
606 A North Broadway Street  
Pittsburg, KS 66762

\_s/ Brenda J. Clary \_\_\_\_\_  
Brenda J. Clary  
Staff Attorney