

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

In the Matter of the Kansas Nonresident )  
Insurance Agent's License of ) Docket No. **4179--SO**  
DAVID PRISCO )  
NPN #12219259 )

**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 David Prisco ("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 December 18, 2008.
2. KID records further indicate a legal and mailing address of 4214 Walnut St., Apt 1F, Philadelphia, PA 19104.
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. Liberty Life Insurance Company (Liberty Life) reported to KID that Respondent submitted two applications for life insurance, each purporting to have been completed

and electronically signed by the consumer, without the knowledge or consent of the consumers.

6. By letter dated April 15, 2010, the acting director of KID's Producers Division directed Respondent to reply by April 29, 2010, with his explanation of the facts.

7. Respondent did not reply by April 29 and has not replied to date.

8. By letter of June 18, 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.

9. To date, Respondent has not replied, leaving the conduct reported by Liberty Life undisputed.

#### **Applicable Law**

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 thereunder; . . . (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. . . (10) Forged another person's name to an application for insurance or to any document related to an insurance transaction. . . ." K.S.A. 40-4909(a).

11. The Commissioner may impose a civil penalty of up to \$1000 for each failure to respond to a proper inquiry of the Commissioner. K.S.A. 40-2,125(b)

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 paragraph 5, that Respondent's license may be revoked pursuant to K.S.A. 40-4909(a)(10) because Respondent has forged another person's name to an application for insurance.

15. The Commissioner also finds, based on the same facts, that Respondent's license may be revoked pursuant to K.S.A. 40-4909(a)(8) because Respondent has used fraudulent and dishonest practices and demonstrated untrustworthiness in the conduct of business.

16. The Commissioner finds, based on the facts contained in paragraphs 6 and 7, that Respondent's license may be revoked, pursuant to K.S.A. 40-4909(a)(2)(A), because Respondent has violated a provision of the chapter 40 of the Kansas Statutes Annotated by failing to respond to a proper inquiry from the Commissioner.

17. 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).

18. 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.

19. 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 **DAVID PRISCO** is hereby **REVOKED**. It is further ordered, that **DAVID PRISCO** 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 \_\_22nd\_\_ 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 \_\_\_22nd\_\_\_ day of July 2010, by causing the same to be placed in the United States Mail, first class postage prepaid, addressed to the following:

David Prisco  
4214 Walnut St., Apt 1F  
Philadelphia, PA 19104

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