

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

In the Matter of the Kansas Non-Resident)
Insurance Agent's License of) Docket No. 4099-SO
MARIO ROCA)
NPN 9690789)

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 impose sanctions against the non-resident agent's license of Mario Roca by way of Summary Order as provided by K.S.A. 77-537. 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 from KID files and Respondent's statements to staff:

1. Records maintained by the KID indicate that the Respondent is licensed as a non- resident agent to transact the business of insurance in Kansas and has been so licensed since October 19, 2009.

2. KID records further indicate a mailing address of 1239 E. Newport Center Drive, Suite 101, Deerfield Beach, FL 33442-7711.

3. A consumer complaint by SJ showed that Golden Rule health insurance was sold to her by Respondent. The policy was sold in August, 2009 with an effective date of September 1, 2009. Respondent was not licensed to sell insurance in the State

of Kansas at the time. However, AC, not Respondent, was the person who was shown as responsible for the sale.

4. SJ's complaint was that she specifically asked for maternity coverage as part of the insurance policy. When she became pregnant, she was told by the company that she had no such coverage. Since the complaint, Golden Rule has allowed SJ to purchase maternity coverage.

5. AC wrote Golden Rule in October, 2009 and informed it that he never spoke with SJ, that Respondent did. A KID Staff Attorney wrote to Respondent about the complaint on January 27, 2010. Respondent replied to KID he thought he was licensed in Kansas when he sold SJ her policy, when in fact he was not licensed to sell insurance in Kansas at the time.

Applicable Law

6. 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 hereunder (see also 40-4204(1). . .(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).

7. 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).

8. K.S.A. 40-4905(a) prohibits the selling, soliciting or negotiating insurance within Kansas without first having procured a license to sell insurance.

Conclusions of Law

9. The Commissioner has jurisdiction over Respondent as well as the subject matter of this proceeding, and such proceeding is held in the public interest. The Commissioner finds, based on the facts contained in paragraphs 3, 4 and 5, that Respondent has demonstrated incompetence, untrustworthiness, or financial irresponsibility in the conduct of business.

10. Based on the Respondent's conduct, which was reported by the consumer complaint, the Commissioner concludes that sufficient grounds exist for the revocation of Respondent's insurance agent's license 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.

11. 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 and the protection of the public interest does not require the KID to give notice and opportunity to participate to persons other than Mario Roca.

IT IS THEREFORE ORDERED BY THE COMMISSIONER OF INSURANCE THAT the Kansas non-resident insurance agent's license of Mario Roca is hereby **REVOKED**. **It is further ordered,** that Mario Roca 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 OF RIGHTS
(Pursuant to K.S.A. 77-542)

Mario Roca is entitled to a hearing pursuant to K.S.A. 77-537 and K.S.A. 77-542, the Kansas Administrative Procedure Act. If Respondent desires a hearing, he must file a written request for a hearing with:

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

This request must be filed within fifteen (15) days from the date of service of this Order. If Respondent requests a hearing, the Kansas Insurance Department will notify her 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, before commencement of the same.

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, pursuant to K.S.A. 77-613. 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

IT IS SO ORDERED THIS __1st__ DAY OF _____ March _____,
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 she serviced a true and correct copy of the above and foregoing **Notice** and **Summary Order** on this __1st__ day of __Mar.____, 2010, by placing the same in the United States Mail, first class postage prepaid, addressed to the following:

Mario Roca
1239 E. Newport Center Dr.
Suite 101
Deerfield Beach, FL 33442-7711

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