

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

In the Matter of the Kansas Resident)
Insurance Agent's License of) Docket No. **4191--SO**
DENISE MARIE ROHLEDER)
NPN #11435342

FINAL ORDER
(Pursuant to K.S.A. 40-4909 and K.S.A. 77-501 et seq.)

Now on this 20th day of October 2010, this matter comes on for hearing before Assistant Commissioner of Insurance Robert M. Tomlinson, acting on behalf of the Commissioner of Insurance as the agency head as provided in K.S.A. 77-547. Respondent Denise Marie Rohleder ("Respondent") appears in person and by counsel Joshua T. Matthews, and the Kansas Insurance Department ("KID") appears by and through its staff attorney, Brenda J. Clary.

Having examined documentary evidence and heard the testimony of Respondent, and having considered the arguments of counsel, the Commissioner concludes Respondent's license should be revoked for the following reasons.

Findings of Fact

1. On August 11, 2010, the Kansas Insurance Department ("KID") served Respondent with a Summary Order by mail proposing to revoke Respondent's license as a resident agent to transact the business of insurance in Kansas.
2. Respondent timely requested a hearing.
3. Records maintained by the Kansas Insurance Department reflect that Respondent is licensed as a resident agent to transact the business of insurance in Kansas and has been so licensed since September 22, 2008.
4. KID records further indicate a legal and mailing address of 2017 E. Cherokee Lane, Olathe, KS 66062-3215.
5. Through counsel, Respondent self-reported to KID that she had been convicted of attempted theft of property valued at more than \$1000 but less than \$25,000, a severity level 10, nonperson felony, and was sentenced on May 6, 2010.
6. She was sentenced to probation and ordered to pay \$2983.50 in restitution.

7. Respondent admits having diverted a total of \$15,267 in electronic payments from a former employer to her personal creditors between September 2006 and February 2008.

8. After discovery of the theft, Respondent continued to be employed by the victim until March 2009 and repaid approximately eighty percent of the diverted funds with the understanding that if she repaid the funds, the matter would not be reported as a crime to law enforcement authorities.

9. Subsequently, Respondent changed jobs, lost contact with the former employer or otherwise ceased to make payments, and law enforcement became involved.

10. Respondent remains on probation and subject to the restitution order.

11. Respondent's conduct in self-reporting the conviction is mitigating to the extent that it demonstrates a willingness to comply with the law.

Applicable Law

12. 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 . . . (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).

13. 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

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

15. 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)(6) because she has been convicted of a felony.

16. The Commissioner also finds that Respondent's license may be revoked pursuant to K.S.A. 40-4909(a)(8) because the crime of conviction required proof of a dishonest practice.

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. 2004 Supp. 40-4909(a).

18. The Commissioner further concludes Respondent's license should be revoked pursuant to K.S.A. 4909(b) because the Commissioner is obligated to protect the public by licensing only persons who have demonstrated trustworthiness.

IT IS THEREFORE ORDERED BY THE COMMISSIONER OF INSURANCE THAT the Kansas resident insurance agent's license of **DENISE M. ROHLEDER** is hereby **REVOKED**. **It is further ordered**, that **DENISE M. ROHLEDER** 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.

IT IS SO ORDERED THIS __20th__ DAY OF OCTOBER 2010, IN THE CITY OF TOPEKA, COUNTY OF SHAWNEE, STATE OF KANSAS.



/s/ Robert M. Tomlinson
Robert M. Tomlinson
Asst. Commissioner of Insurance/
Presiding Officer

Prepared by

Approved by

/s/ Brenda J. Clary
Brenda J. Clary
KID Staff Attorney

/s/ Joshua T. Mathews
Joshua T. Mathews
Attorney for Respondent

NOTICE OF RIGHTS TO HEARING AND REVIEW

In the event a party 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 **Final Order** and accompanying **Notice of Rights** on this __8th__ day of Nov. 2010, by causing the same to be placed in the United States Mail, first class postage prepaid, addressed to the following:

Joshua T. Matthews
The Mathews Group, LC
4707 College Boulevard, Ste. 107
Leawood, KS 66211
Attorney for Respondent

And to the following pursuant to K.S.A. 77-531:

Denise M. Rohleder
2017 E. Cherokee Ln
Olathe, KS 66062-3215

_____/s/ Jana Beethe_____
Jana Beethe
Legal Assistant