

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

In the Matter of the Kansas Resident)
Insurance Agent's License of) **Docket No. 4232--SO**
JOHN F. ROSS)
NPN #259473)

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 John F. Ross ("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 19, 2008.
2. KID records further indicate Respondent's legal and mailing address is 3901 SW Worwick Town Road, Topeka, KS 66610-1468.
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. On or about September 20, 2010, KID received information that Respondent may have been convicted of a felony sex offense, and staff located a John Frederick Ross with the same date of birth as Respondent, listed on the Kansas offender registry since April 28, 2010, as a result of his conviction of possession of child pornography.

5. The acting director of KID's producer licensing division mailed a letter to Respondent requesting a written statement explaining the circumstances of the offense, a copy of the charging document, and a copy of the final judgment.
6. Without providing charging documents or the journal entry of judgment, Respondent replied by letter dated September 23, 2010, acknowledging the conviction in federal court and providing his version of events.
7. Respondent stated that he was sentenced to one year of house arrest to be followed by four years of probation.
8. Respondent further stated that he had "no intention of dealing with another mindless robotic bureaucracy," that KID should contact his attorney for further information, and that he knew his insurance agent's license would be revoked "regardless of the true facts," so KID should not bother him again.
9. On October 4, 2010, counsel for KID mailed an inquiry to Respondent's attorney, who replied that he was not representing Respondent on the administrative matter but would forward the letter to Respondent.
10. To date, Respondent has not communicated further with KID and has not provided the documents requested.

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

(2) Violated: (A) Any provision of chapter 40 of the Kansas Statutes Annotated, and amendments thereto, or any rule and regulation promulgated thereunder; . . .

(6) Been convicted of a misdemeanor or felony. . . . K.S.A. 40-4909(a).

12. An agent is required to report any conviction of misdemeanor or felony to KID within 30 days. The details include the name of the arresting agency, location and date of arrest, nature of the charge or charges, the court, and the disposition. K.A.R. §40-7-9(d).

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 4 through 7, that Respondent's license may be revoked pursuant to K.S.A. 40-4909(a)(2)(A) and K.A.R. §40-7-9(d) because Respondent failed to notify KID within 30 days of his conviction of a felony.

16. The Commissioner finds, based on the same facts, that Respondent's license may be revoked pursuant to K.S.A. 40-4909(a)(6) because Respondent has been convicted of a felony.

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, based on Respondent's comments summarized in paragraph 8, that 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 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 **JOHN F. ROSS** is hereby **REVOKED. It is further ordered,** that **JOHN F. ROSS** 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 3rd DAY OF November 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. 9th 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. 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 **Summary Order** and accompanying **Notice of Rights** on this ___3rd___ day of _November_ 2010, by causing the same to be placed in the United States Mail, first class postage prepaid, addressed to the following:

John F. Ross
3901 SW Worwick Town Road
Topeka, KS 66610-1468

_s/ Brenda J. Clary_____

Brenda J. Clary
Staff Attorney