

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

In the Matter of the Kansas Resident)
Insurance Agent's License of) Docket No. 4026 - SO
JOHN R. RUPERT III)
NPN 4984408)

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 resident agent's license of John R. Rupert III ("Respondent") 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:

1. Records maintained by the KID indicate that the Respondent is licensed as a resident agent to transact the business of insurance in Kansas and has been so licensed since November 21, 2006.
2. KID records further indicate a legal and mailing address of 1120 N. Old Manor Rd., Wichita, KS 67208-2720.
3. On or about October 20, 2008, LeRoy Brungardt, Director of the Kansas Insurance Department's Producer's Division wrote to Respondent because information

was sent to KID by Chesapeake Life Insurance Company and the Mega Life and Health Insurance Company that Respondent was terminated for cause by both of the named insurers for “improper business practices.” Mr. Brungardt asked for Respondent to answer the letter by November 3, 2008.

4. Respondent has failed to report the discipline on his license to KID within the time set forth by Mr. Brungardt.

5. Respondent and the legal division of KID entered into a Stipulated Order which became final on October 9, 2009. The requirements of the Order required Respondent to pay a penalty. He has not done so.

6. The undersigned Staff Attorney wrote to Respondent on November 4, 2009 about the violation of the Stipulated Order. The letter was not returned and Respondent did not reply to said letter.

Applicable Law

7. 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

(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. . . .”

8. 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

Based on the Findings of Fact enumerated above in Paragraphs #1 through #5 and the Applicable Law above:

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

Respondent is entitled to a hearing pursuant to K.S.A. 77-537, the Kansas Administrative Procedure Act. If Respondent desires a hearing, the Respondent 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 the Respondent of the time and place of the hearing and information on the 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 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 __11th__ DAY OF JANUARY, 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 above and foregoing Summary Order was served via the United States Postal Service, first-class postage prepaid, on this __11th__ day of _____Jan._____, 2010, addressed to the following:

John R. Rupert III
1120 N. Old Manor Rd.
Wichita, KS 67208-2720

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