

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

In the Matter of the Kansas Resident)
Insurance Agent's License of) Docket No. **4183--SO**
DIANNA MARIE-MINKS STERLING)
NPN #11161799)

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 resident insurance agent's license of Dianna Marie-Minks Sterling ("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 May 26, 2009.
2. KID records further indicate Respondent's legal address is 404 West 8th Ave., Hutchinson, Kansas, and her mailing address is PO Box 1692, Hutchinson, KS 67504-1692.
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. On or about May 26, 2009, KID received Respondent's electronic application for a Kansas license, and the license was issued on that same date.
6. By letter of May 27, 2009, addressed to Respondent at her mailing address of record, KID staff advised Respondent that she would need to submit a letter of clearance from her previous state of residence or proof that the Oklahoma license had been cancelled or converted to nonresident. The letter further advised that the Kansas

license would be canceled if she did not submit the requested document(s) within 90 days of the date of the letter.

7. A copy of the letter stamped "second notice" was mailed on June 26, 2009, and a second copy stamped "immediate reply necessary" was mailed July 27, 2009.
8. An additional copy of the notice was mailed October 27, 2009, Respondent was given a deadline of November 27, 2009.
9. Respondent did not submit the requested document(s) by November 27, 2009.
10. By letter of May 24, 2010, the acting director of the KID producers division demanded that Respondent provide proof by June 7, 2010, that her Oklahoma license had been cancelled or converted to nonresident.
11. Respondent did not respond, and the letter was not returned.
12. By letter of June 23, 2010, counsel for KID wrote to Respondent at her address of record and invited Respondent to reply within 15 business days if she disputed the above facts.
13. To date, Respondent has not replied, and the letter has not been returned.
14. To date, the Oklahoma Insurance Department website reflects that Respondent's Oklahoma resident license remains active.

Applicable Law

15. 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 or any rule and regulation promulgated thereunder . . . (C) any insurance law or regulation of another state."
K.S.A. 40-4909(a).
16. The Commissioner may impose a civil penalty of up to \$1000 for each violation if a licensee fails to file required information or respond to a proper inquiry from the Commissioner. K.S.A. 40-2,125(b).
17. Oklahoma law provides, "Any licensee who ceases to maintain residency in this state shall deliver the licensee's insurance license to the Commissioner by personal delivery or by mail with return receipt requested within ten (10) days after terminating residency." 36 O.S. § 1435.13J.

18. The Commissioner may suspend, revoke, or refuse renewal of a license if the commissioner finds that the interests of the insurer or the insurable interests of the public are not properly served under the license. K.S.A. 40-4909(b).

Conclusions of Law

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

20. The Commissioner concludes that Respondent's Kansas license may be revoked pursuant to K.S.A. 40-4909(a)(2)(A) because Respondent has repeatedly failed or refused to respond to a proper inquiry from the Commissioner.

21. The Commissioner concludes that Respondent's Kansas license may be revoked pursuant to K.S.A. 40-4909(a)(2)(C) because Respondent's failure to surrender her Oklahoma license within 10 days after terminating Oklahoma residency establishes a violation of Oklahoma insurance law.

22. Further, the Commissioner concludes that Respondent's repeated failure to comply with Oklahoma law and provide documentation to KID, or otherwise respond to correspondence from KID, indicates that the interests of insurers and the insurable interests of the public will not be properly served under Respondent's license.

23. 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 **DIANNA MARIE-MINKS STERLING** is hereby **REVOKED**. **It is further ordered,** that **DIANNA MARIE-MINKS STERLING** 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 in Kansas on and after the effective date of this order.

IT IS SO ORDERED THIS 9th DAY OF AUG. 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 serviced a true and correct copy of the above and foregoing **Summary Order** and accompanying **Notice of Rights** on this ___9th___ day of Aug. 2010, by causing the same to be placed in the United States Mail, first class postage prepaid, addressed to the following:

Dianna Marie-Minks Sterling
PO Box 1692
Hutchinson, KS 67504-1692

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