

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

In the Matter of the Kansas Nonresident)
Insurance Agent's License of) Docket No. **4201--SO**
BENJAMIN TIERRABLANCA)
NPN #8919029)

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 Benjamin Tierrablanca ("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 nonresident agent to transact the business of insurance in Kansas and has been so licensed since October 20, 2008.
2. KID records further indicate Respondent's legal is 4804 Grouse Run Drive, Apartment L7, Stockton, California, and his mailing address is 6221 West Lane, #21, Stockton, CA 94210.
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. Respondent is licensed as a resident insurance agent in the state of California, and that license was restricted and placed on probation effective May 18, 2009, because of criminal history.
6. Respondent did not report this action to the Kansas Insurance Department within 30 days as required by K.A.R. § 40-7-9(a) and has not reported it to date.
7. Effective December 16, 2009, Respondent's Virginia insurance agent license was revoked because of the California action and Respondent's failure to notify the department of an address change.
8. Effective December 18, 2009, Respondent's Louisiana insurance agent license was revoked for failure to respond and failure to make a required disclosure on the license application.
9. Effective February 9, 2010, Respondent's South Dakota insurance agent license was revoked for failure to respond and failure to report other state's action.
10. Effective March 2, 2010, Respondent's Delaware insurance agent license was revoked due to other state's action.
11. Respondent did not report the Virginia, Louisiana, South Dakota, and Delaware actions within 30 days and has not reported them to date.
12. By letter of August 3, 2010, counsel for KID wrote to Respondent at his mailing address of record and invited Respondent to reply within 15 business days if he disputed the above.
13. To date, the letter has not been returned and Respondent has not replied.

Applicable Law

14. 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;

(9) Had an insurance agent license, or its equivalent, denied, suspended or revoked in any other state, district or territory.” K.S.A. 40-4909(a).

15. K.A.R. §40-7-9(a) requires a licensed agent to report to the Commissioner within 30 days any disciplinary action against the agent’s license by the insurance regulatory agency of another jurisdiction.

16. 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

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

18. The Commissioner finds, based on the facts contained in paragraphs 7 through 10, that Respondent’s license may be revoked pursuant to K.S.A. 40-4909(a)(9) because Respondent has had an insurance agent’s license revoked in other states.

19. The Commissioner finds, based on the facts contained in paragraphs 6 and 11, that Respondent’s license may be revoked, pursuant to K.S.A. 40-4909(a)(2)(A) because Respondent has violated K.A.R. §40-7-9(a) by failing to report disciplinary actions to the Commissioner.

20. 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).

21. The Commissioner further concludes 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.

22. 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 nonresident insurance agent's license of **BENJAMIN TIERRABLANCA** is hereby **REVOKED**. **It is further ordered,** that **BENJAMIN TIERRABLANCA** 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 SEPTEMBER 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 ___3rd___ day of September 2010, by causing the same to be placed in the United States Mail, first class postage prepaid, addressed to the following:

Benjamin Tierrablanca
6221 West Lane, #21
Stockton, CA 94210.

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