

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

In the Matter of the Kansas Nonresident)
Insurance Agent's License of) Docket No. **4203--SO**
TERANCE C. TORRENCE)
NPN #10673332)

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 Terance C. Torrence ("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 June 24, 2008.
2. KID records further indicate Respondent's legal and mailing address is 3329 Leopold Way, Apt. 103, Fitchburg, WI 53713.
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 Respondent was previously licensed as a resident insurance agent in the state of Wisconsin, and that license was revoked effective April 15, 2010, for failure to report other state action.
6. Respondent was denied an insurance producer license in the State of Missouri, effective March 16, 2009, for criminal proceedings and failure to respond.
7. Respondent did not report either of these actions to the Kansas Insurance Department within 30 days as required by K.A.R. § 40-7-9(a) and has not reported them to date.
8. 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.
9. The letter was returned marked "FORWARD TIME EXP RTN TO SEND" and dated August 6, 2010. The United States Postal Service sticker showed a forwarding address of 551 Henrietta St., Kingsland, GA 31548-3233.
10. On September 16, 2010, counsel for KID mailed another letter addressed to Respondent at the forwarding address.
11. That letter was returned marked by the postal service, "RETURN TO SENDER TORRENCE, TERANCE MOVED LEFT NO ADDRESS UNABLE TO FORWARD RETURN TO SENDER," and dated September 17, 2010.
12. To date, Respondent has not notified KID of a current address.

Applicable Law

13. 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).

14. “Unless denied licensure pursuant to K.S.A. 2009 Supp. 40-4909, and amendments thereto, a nonresident person shall receive a nonresident agent license if . . . Such person is currently licensed as a resident and in good standing in such person’s home state. . . .” K.S.A. 40-4906(a)(1).

15. K.A.R. §40-7-9 requires a Kansas licensed insurance agent to report certain events to the Commissioner within 30 days of the occurrence. Among those events are each disciplinary action against the agent’s license by the insurance regulatory agency of another state, K.A.R. §40-7-9(a), and each change in the agent’s residence address, K.A.R. §40-7-9(f).

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 paragraph 5, that Respondent’s license may be revoked pursuant to K.S.A. 40-4906(a) because Respondent is no longer licensed in and in good standing in his home state and, thus, no longer qualified to hold a reciprocal license.

19. 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)(9) because

Respondent has had insurance agent's licenses denied in Missouri and revoked in Wisconsin.

20. The Commissioner finds, based on the facts contained in paragraph 7, that Respondent's license may be revoked, pursuant to K.S.A. 40-4909(a)(2)(A), because Respondent has violated a provision of the chapter 40 of the Kansas Statutes Annotated by failing to report disciplinary actions to the Commissioner.

21. The Commissioner finds, based on the facts contained in paragraphs 8 through 12, that Respondent's license may be revoked, pursuant to K.S.A. 40-4909(a)(2)(A), because Respondent has violated a provision of the chapter 40 of the Kansas Statutes Annotated by failing to report a change of address within 30 days of the occurrence.

22. 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).

23. 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.

24. 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 **TERANCE C. TORRENCE** is hereby **REVOKED**. It is further ordered, that **TERANCE C. TORRENCE** 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 __28th__ 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 ___28th___ day of September 2010, by causing the same to be placed in the United States Mail, first class postage prepaid, addressed to the following:

TERANCE C. TORRENCE
3329 Leopold Way, Apt 103
Fitchburg, WI 53713

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