

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

In the Matter of the Kansas Resident)
Insurance Agent's License of) Docket No. **4184--SO**
The VOGEL INSURANCE AGENCY)
ID # 022879757-000)

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 the Vogel Insurance Agency ("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 June 14, 2005.
2. KID records further indicate Respondent is physically located at 800 E. 1st St. N, Ste 250, Wichita, Kansas, and its mailing address is 1256 Hickory Creek Ct., Wichita, KS 67235-7000. KID believes, based upon investigation, that Respondent may be served at 9506 W. Brookridge Cir., Wichita, KS 67205-1400.
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. Effective June 14, 2005, the Vogel Insurance Agency was licensed with Hope Vogel identified as the contact and sole affiliated agent.
6. On or about October 4, 2009, Hope E. Vogel's Kansas resident insurance agent's license lapsed.

7. By letter of June 23, 2010, counsel for KID wrote to Respondent at its address of record and invited Respondent to reply within 15 business days if it disputed the above facts.
8. The letter was returned on June 30, 2010, marked "FOE" (i.e., "forwarding order expired") and "Return to sender. . . Not Deliverable as Addressed. . . Unable to Forward." On the envelope was a notation suggesting the address 9506 Brookridge Cir., Wichita, KS 67205-1400.
9. Based upon the expiration of the forwarding order, the Commissioner concludes that Respondent's address changed more than 30 days prior to the date the letter was returned.
10. On July 2, 2010, counsel for KID mailed a second letter to the Brookridge Circle address.
11. To date, Respondent has not replied, the letter has not been returned, and Respondent has not notified KID of a current address.

Applicable Law

12. 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" K.S.A. 40-4909(a).
13. A business entity licensed as an insurance agent must identify a licensed individual agent who is responsible for the entity's compliance with insurance laws and regulations. K.S.A. 40-4905(c); K.A.R. 40-7-24.
14. K.A.R. 40-7-9(g) requires an agent/agency to report an address change within 30 days of the occurrence.

Conclusions of Law

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

16. The Commissioner concludes that Respondent's Kansas insurance agent license may be revoked pursuant to K.S.A. 40-4909(a)(2)(A) because Respondent has failed to report a change of address within 30 days of the change as required by K.A.R. 40-7-9 and because the agency has not complied with the statutory requirement of identifying a licensed individual agent who is responsible for the agency's compliance with insurance laws and regulations as required by K.S.A. 40-4905(c) and K.A.R. 40-7-24. With respect to the violation of K.S.A. 40-4905(c) and K.A.R. 40-7-24, the agency has not only violated the statute and regulations, it is simply not qualified to hold a license.

17. 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 **the VOGEL INSURANCE AGENCY** is hereby **REVOKED**. **It is further ordered,** that **the VOGEL INSURANCE AGENCY** 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:

VOGEL INSURANCE AGENCY

9506 W. Brookridge Cir.
Wichita, KS 67205-1400

And

VOGEL INSURANCE AGENCY

1256 Hickory Creek Ct.
Wichita, KS 67235-7000

_Brenda J. Clary_____

Brenda J. Clary
Staff Attorney