

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

In the Matter of the Kansas Resident)
Insurance Agent's License of) Docket No. **4285--SO**
THOMAS ADAM BOX)
NPN #16143000)

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 Thomas Adam Box ("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 February 3, 2011.
2. KID records further indicate Respondent's legal and mailing address is 1522 N. Graystone St., Wichita, KS 67230-7247.
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 February 3, 2011, Respondent submitted a clean electronic application for licensure as a Kansas resident insurance agent, and his license was promptly issued.

6. Question 1 of Item 37 of the application asks, "Have you ever been convicted of a crime, had a judgment withheld or deferred, or are you currently charged with committing a crime?" The question continues to define "crime" and "conviction" and to list offenses that may be excluded.
7. Respondent answered "no."
8. KID subsequently learned that Respondent has two misdemeanor convictions in North Carolina.
9. Neither conviction is on the list of offenses that may be excluded.
10. The application requires applicants to provide copies of charging documents and the official documents demonstrating resolution of the charges or final judgment as well as a written statement explaining the circumstances of the offense(s).
11. KID asked Respondent to provide the additional information required by the application as well as an explanation for omitting the convictions from the application.
12. Respondent provided a journal entry of sentencing, dated February 12, 2008, for misdemeanor possession of marijuana, and a court docket printout reflecting that he was convicted of consuming alcohol while under the age of 21, also a misdemeanor, and he provided a statement about the circumstances of each offense.
13. Respondent did not provide a copy of the charging document in either case.
14. Respondent stated that he omitted the convictions because he did not consider them serious or relevant to a career as an insurance agent.
15. By letter dated March 4, 2011, and mailed to Respondent at his address of record, counsel for KID summarized the foregoing facts and invited Respondent to reply within 15 days if he disagreed with the statement of facts.

16. To date, the letter has not been returned, and Respondent has not replied. Thus, the facts are deemed undisputed.

Applicable Law

17. K.S.A. 2010 Supp. 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:

(1) Provided incorrect, misleading, incomplete or untrue information in the license application . . .

(6) Been convicted of a misdemeanor or felony. . . . [or]

(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.” K.S.A. 40-4909(a)

18. 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

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

20. The Commissioner finds, based on the facts contained in paragraphs 5 through 9, that Respondent’s license may be revoked pursuant to K.S.A. 40-4909(a)(1) because Respondent has provided untrue information on his license application. The Commissioner notes that neither of Respondent’s misdemeanor convictions would necessarily have resulted in denial of the application. However, Respondent’s decision to deny ever having been convicted of those offenses is an affirmative

misrepresentation of fact on the application. Furthermore, even when additional information was requested, Respondent provided incomplete information.

21. The Commissioner finds, based on the facts contained in paragraph 12, that Respondent's license may be revoked pursuant to K.S.A. 40-4909(a)(6) because Respondent has been convicted of misdemeanor offenses.

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 should 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 **THOMAS ADAM BOX** is hereby **REVOKED**. **It is further ordered,** that **THOMAS ADAM BOX** 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 29th DAY OF MARCH 2011, IN THE CITY OF TOPEKA, COUNTY OF SHAWNEE, STATE OF KANSAS.



 /s/ Sandy Praeger
Sandy Praeger
Commissioner of Insurance

BY:

 /s/ Zachary J.C. Anshutz
Zachary J.C. Anshutz
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:

Zachary J.C. Anshutz, 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

Zachary J.C. Anshutz, General Counsel
Kansas Insurance Department
420 S.W. 9th Street
Topeka, Kansas 66612

Certificate of Service

The undersigned hereby certifies that she served a true and correct copy of the above and foregoing **Summary Order** and accompanying **Notice of Rights** on this __29th__ day of March 2011, by causing the same to be placed in the United States Mail, first class postage prepaid, addressed to the following:

Thomas Adam Box
1522 N. Graystone St.
Wichita, KS 67230-7247

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