

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

In the Matter of the Kansas Resident)
Insurance Agent's License of) Docket No. **4274--SO**
ELIZABETH A. DUGGAN)
NPN #6106683)

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 give notice of the previously ordered suspension of the Kansas resident insurance agent's license of Elizabeth A. Duggan ("Respondent").

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 4, 1999.
2. KID records further indicate that Respondent's legal and mailing address is 1429 E. Sheridan St., Olathe, KS 66062-2127.
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 Respondent.
4. Following investigation and review of an insurance company investigation, the Commissioner finds evidence sufficient to support the following facts:
5. By Summary Order, docket number 4274-SO, the Commissioner ordered Respondent to pay an administrative penalty of \$1000, due immediately, and required Respondent to complete three (3) credit hours of continuing education in ethics within ninety (90) days.
6. The Summary Order further provided that Respondent's license would be suspended without further notice on the 91st day if Respondent did not pay the penalty and satisfy the continuing education requirement within ninety days of the effective date.

7. The Summary Order was served by mail on February 18, 2011.
8. The Summary Order gave notice of the right to hearing, the person to be served a request for hearing, and that Respondent must request a hearing within 15 days or the order would become effective as a final order.
9. Respondent did not request a hearing, and the order was filed as a final order, after 15 days plus three additional days for service by mail, on March 9, 2011.
10. By letter dated May 31, 2011, counsel for KID reminded Respondent of the upcoming deadline, noted that KID had not received payment or proof of completion of any continuing education, and invited Respondent to contact KID if she believed KID records were incorrect.
11. To date, Respondent has neither paid the penalty nor submitted proof of completion of the continuing education.
12. Further, Respondent has not communicated with KID about her failure to comply.

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 . . . (B) Any subpoena or order of the commissioner; . . .” K.S.A. 2010 Supp. 40-4909(a).
14. “No person whose license as an agent or broker had been suspended or revoked shall be employed by any insurance company doing business in this state either directly, indirectly, as an independent contractor or otherwise to negotiate or effect contracts of insurance, suretyship or indemnity or perform any act toward the solicitation of or transaction of any business of insurance during the period of such suspension or revocation.” K.S.A. 2010 Supp. 40-4909(g).

Conclusions of Law

15. The Commissioner has jurisdiction over Respondent as well as the subject matter of this proceeding, and such proceeding is held in the public interest.
16. The Commissioner concludes that the Summary Order served February 18, 2011, was properly issued and served, contained all elements required by K.S.A. 77-537, and became effective as a final order on March 9, 2011.

17. The Commissioner concludes that Respondent has violated an order of the Commissioner, and the consequence of that violation is prescribed in the previous Summary Order.

18. The Kansas resident insurance agent license of Elizabeth A. Duggan was suspended by the terms of the Summary Order on June 8, 2011, and shall remain suspended until Respondent completes the requirements of the order, as prescribed in the Summary Order.

19. The Commissioner further concludes that sufficient grounds exist for action, up to and including revocation, against Respondent's insurance agent's license pursuant to K.S.A. 2010 Supp. 40-4909(a)(2)(B).

20. 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

- 1. Elizabeth A. Duggan shall CEASE AND DESIST from the sale, solicitation, or negotiation of insurance, and from any employment with an insurance company authorized to do business in the state of Kansas to do any act toward the sale, solicitation, or negotiation of insurance business, from June 8, 2011, until reinstated by further order of the Commissioner; and**
- 2. Respondent shall not be permitted to renew her Kansas resident agent license or add appointments unless and until Respondent completes the requirements of the March 9, 2011, order, and Respondent's license is reinstated by further order of the Commissioner.**

IT IS SO ORDERED THIS __15th__ DAY OF JUNE 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 __15th__ day of June 2011 by causing the same to be placed in the United States Mail, first class postage prepaid, addressed to the following:

Elizabeth A. Duggan
1429 E. Sheridan
Olathe, KS 66062-2127

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