

FINAL ORDER
Effective: 1-5-11

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

In the Matter of the Kansas Nonresident)
Insurance Agent's License of) Docket No. **4249--SO**
Eagle Insurance Agency Holdings, LLC)
ID # 270205899-000)

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 nonresident insurance agent's license of Eagle Insurance Agency Holdings, LLC ("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 July 1, 2009.
2. KID records further indicate Respondent is physically located at 5801 Broadway Ext., Ste 101, Oklahoma City, Oklahoma, and its mailing address is 8000 Warren Parkway, Ste. 300, Frisco, TX 74034-2271.
3. Rodman A. Frates ("Frates") is the Kansas licensed insurance agent identified as the contact person and agent responsible for the agency's compliance with the insurance laws and regulations of Kansas.
4. Frates is currently the only Kansas licensed agent affiliated with the agency.
5. 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.
6. Following investigation, the Commissioner finds evidence sufficient to support the following findings of fact:

7. Respondent is licensed as a resident insurance agency in the state of Oklahoma, and that license was placed under supervision, effective May 21, 2010, for failure to maintain books and records, no license, demonstrated lack of fitness or trustworthiness, financial impairment, fiduciary violation, and misappropriation of premium.

8. The State of Oklahoma then placed Respondent in receivership, effective July 14, 2010, for the same reasons.

9. By letter of November 9, 2010, counsel for KID wrote to Respondent, care of Frates, at its mailing address of record and invited Respondent to reply within 15 business days if it disputed the above facts.

10. To date, Respondent has not replied and the letter has not been returned.

Applicable Law

11. 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 . . .[or] (C) any insurance law or regulation of another state . . .” K.S.A. 40-4909(a).

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

13. The Commissioner may suspend, revoke, or refuse renewal of a license if the Commissioner finds that the interests of insurers and the insurable interests of the public are not properly served under the license. K.S.A. 40-4909(b).

Conclusions of Law

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

15. 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 disciplinary action against its license within 30 days as required by K.A.R. 40-7-9(a).

16. The Commissioner further concludes that Respondent's Kansas insurance agent license may be revoked pursuant to K.S.A. 40-4909(a)(2)(A) based on Respondent's violation of the insurance laws of Oklahoma.

17. The Commissioner also concludes that Respondent's license may be revoked because the interests of insurers and the insurable interests of the public are not properly served under the license.

18. 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 nonresident insurance agent's license of **EAGLE INSURANCE AGENCY HOLDINGS, LLC**, is hereby **REVOKED**. **It is further ordered**, that **EAGLE INSURANCE AGENCY HOLDINGS, LLC**, 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 __15th__ DAY OF DECEMBER 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 15th day of December 2010, by causing the same to be placed in the United States Mail, first class postage prepaid, addressed to the following:

EAGLE INSURANCE AGENCY HOLDINGS, LLC
c/o Rodman A. Frates
8000 Warren Parkway, Ste 300
Frisco, TX 74034-2271

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