

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

In the Matter of the Kansas Nonresident)
Insurance Agent's License of) Docket No. **4304--SO**
CAROL Y. KELLUM)
NPN 7834240)

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 Carol Y. Kellum ("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 September 5, 2003
2. KID records further indicate Respondent's legal and mailing address is 2858 Michigan Ave., Saint Louis, MO 63118-1217.
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 February 25, 2010, Respondent's Alabama insurance producer license was suspended.

6. Effective April 15, 2010, Respondent was assessed a monetary penalty by her home state of Missouri for failure to make a required disclosure on her application.
7. Effective April 16, 2010, Respondent's Virginia insurance producer license was revoked.
8. Effective May 18, 2010, Respondent's Idaho insurance producer license was revoked.
9. Effective October 4, 2010, Respondent's Indiana license was revoked.
10. Respondent did not report these actions to the Commissioner within 30 days as required by K.A.R. §40-7-9(a) and has not reported them to date.
11. Respondent surrendered her California license on September 13, 2006, to resolve an action against her license based on criminal history.
12. Respondent neither disclosed criminal history on her application for a Kansas license nor reported a new conviction as required by K.A.R. §40-7-9(d).
13. By letter of April 20, 2011, counsel for KID wrote to Respondent at her mailing address of record and invited Respondent to reply within 15 business days if she disputed the above.
14. Respondent has not replied, and the letter has not been returned; thus, the facts are deemed undisputed.

Applicable Law

15. 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 on the license application.

(2) Violated: (A) Any provision of chapter 40 of the Kansas Statutes Annotated, and amendments thereto, or any rule and regulation promulgated thereunder;

(3) Obtained or attempted to obtain a license under this act through misrepresentation or fraud. . . .

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

(9) Had an insurance agent license, or its equivalent, denied, suspended or revoked in any other state, district or territory.” K.S.A. 2010 Supp. 40-4909(a).

16. K.A.R. §40-7-9 requires a licensed agent to report to the Commissioner within 30 days any disciplinary action against the agent’s license by the insurance regulatory agency of another jurisdiction or any criminal conviction.

17. 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. 2010 Supp. 40-4909(b).

Conclusions of Law

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

19. The Commissioner finds, based on the facts contained in paragraphs 5 through 10, that Respondent’s license may be revoked pursuant to K.S.A. 40-4909(a)(2)(A) because Respondent has violated K.A.R. §40-7-9 by failing to report multiple disciplinary actions against her insurance agent license by other states.

20. Further, Respondent’s license may be revoked, either pursuant to K.S.A. 40-4909(a)(2)(A) and K.A.R. §40-7-9 or pursuant to K.S.A. 40-4909(a)(1) and (a)(3), for failing to disclose criminal history.

21. The Commissioner finds that Respondent's license may be revoked pursuant to K.S.A. 40-4909(a)(8) because Respondent has a license revoked or suspended by other states.

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.

Policy to be Served

25. Before issuing an insurance agent license, the Commissioner must determine that the applicant is qualified and has not committed any act that would be grounds for denial, suspension, or revocation. K.S.A. 40-4905(b). Further, 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 the license. The following action is appropriate to

promote the security and integrity of the insurance business and protect insurance consumers by licensing, or continuing to license, persons or entities to sell, solicit, or negotiate insurance in the State of Kansas only if their conduct indicates they are both qualified and trustworthy.

IT IS THEREFORE ORDERED BY THE COMMISSIONER OF INSURANCE THAT the Kansas nonresident insurance agent's license of **CAROL Y. KELLUM** is hereby **REVOKED**. **It is further ordered**, that **CAROL Y. KELLUM** shall **CEASE and DESIST** from the sale, solicitation, or negotiation of insurance, doing any act toward 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 __31st__ DAY OF MAY 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 ___31st___ day of May 2011, by causing the same to be placed in the United States Mail, first class postage prepaid, addressed to the following:

Carol Y. Kellum
2858 Michigan Ave.
Saint Louis, MO 63118-1217

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