

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

In the Matter of the Kansas Nonresident)
Insurance Agent's License of) Docket No. **4322--SO**
JOHANNA KNUTSON)
NPN #16111336)

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 Johanna Knutson ("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 December 29, 2010.
2. Respondent's legal address of record is 2743 Triple Crown Ln., Unit 9, Iowa City, IA 52240-7244.
3. KID records further indicate that Respondent's mailing address is that of GEICO Insurance, Coralville, Iowa, that Respondent is no longer employed by Government Employees Insurance Company ("GEICO"), and that Respondent has not notified KID of a new mailing address.
4. Previous correspondence mailed to Respondent's legal address has not been returned or forwarded, and KID believes Respondent may be found and served at that address.
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. GEICO terminated Respondent's employment for cause, effective March 22, 2011.

7. According to GEICO, Respondent accepted an inbound call, on a recorded line, from a consumer who initiated but did not complete the application process and Respondent bound coverage using the consumer's credit card information without the consumer's consent.
8. By letter of May 12, 2011, counsel for KID informed Respondent of the foregoing allegations and invited Respondent to reply if she disputed them.
9. To date, Respondent has not replied, and the letter has not been returned; thus, the facts are undisputed.

Applicable Law

10. 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. . .

(4) Improperly withheld, misappropriated, or converted any moneys or properties received in the course of doing insurance business. . . .

(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. . . .

(10) Forged another person's name to an application for insurance or to any document related to an insurance transaction. . . .” K.S.A. 2010 Supp. 40-4909(a).

11. 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

12. The Commissioner has jurisdiction over Respondent as well as the subject matter of this proceeding, and such proceeding is held in the public interest.
13. The Commissioner finds, based on the undisputed facts, that Respondent's license may be revoked pursuant to K.S.A. 40-4909(a)(4) because Respondent has improperly misappropriated or converted consumer funds through credit card information received in the course of doing insurance business.

14. The Commissioner also finds that Respondent's license may be revoked pursuant to K.S.A. 40-4909(a)(8) because Respondent has used a fraudulent, coercive, or dishonest practice and demonstrated incompetence, untrustworthiness or financial irresponsibility in the conduct of business.

15. The Commissioner further finds that Respondent's license may be revoked pursuant to K.S.A. 40-4909(a)(10) because Respondent has taken action that has the effect of signing another person's name to an application for insurance and/or another document related to an insurance transaction.

16. 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).

17. 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.

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 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 **JOHANNA KNUTSON** is hereby **REVOKED**. **It is further ordered**, that **JOHANNA KNUTSON** 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 9th 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 ___9th___ day of June 2011, by causing the same to be placed in the United States Mail, first class postage prepaid, addressed to the following:

Johanna Knutson
2743 Triple Crown Ln., Unit 9
Iowa City, IA 52240-7244

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