

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

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| In the Matter of the Kansas Nonresident |) | |
| Insurance Agent's License of |) | Docket No. 4237--CO |
| DWAYNE C. LEQUIRE |) | |
| NPN #8210214 |) | |

CONSENT AGREEMENT AND FINAL ORDER

Pursuant to the authority granted to the Commissioner of Insurance ("Commissioner") by K.S.A. 40-103 and in accordance with K.S.A. 40-4901 *et seq.*, and K.S.A. 77-501 *et seq.*, the Commissioner hereby accepts the stipulations of the parties and accepts surrender of the Kansas nonresident insurance agent's license of Dewayne C. Lequire. This Consent Agreement shall become effective as a Final Order, without further notice, when signed by the Commissioner or her designee and filed of record with the Kansas Insurance Department ("KID").

Findings of Fact

1. Records maintained by the Kansas Insurance Department ("KID") reflect that Respondent is licensed as an agent to transact the business of insurance in Kansas and has been so licensed since November 9, 2004.
2. KID records indicate Respondent's legal address is 12 Los Encinos, Sonoita, Arizona, and his mailing address is PO Box 1298, Sonoita, AZ 85637.
3. Respondent stipulates that he was indicted and convicted in the United States District Court for the District of Arizona, case number 4:08-CR-00212-TUC-DCB (BPV), of eight counts of embezzlement and one count of conspiracy to commit embezzlement.

4. Respondent stipulates that the charges arose from his conduct as an officer and director of Patriot Insurance Agency.
5. The parties stipulate that the judgment is not yet final.
6. Respondent, an accountant, denies that he acted improperly.
7. Respondent has tendered voluntary surrender of his Kansas nonresident insurance agent's license.
8. Respondent stipulates that he understands his right to have a hearing on the facts and disposition and to seek review of any adverse order in this matter.
9. Respondent expressly waives hearing and administrative and judicial review.

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 . . .

(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).
11. “In addition, the commissioner may suspend, revoke or refuse renewal of any license issued under this 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).
12. Pursuant to K.S.A. 40-4909(e), voluntary surrender of a license does not deprive the Commissioner of jurisdiction to institute or proceed with disciplinary action to render a decision or make a record of the facts.

Conclusions of Law

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

14. The Commissioner finds that, whether Respondent's convictions are affirmed and become final or not, the fact of the jury's verdict constitutes a sufficient basis for KID to initiate action against Respondent's Kansas nonresident insurance agent's license pursuant to K.S.A. 40-4909(a)(6) and K.S.A. 40-4909(a)(8).

15. The Commissioner further concludes that the public interest is adequately served by accepting surrender of Respondent's Kansas nonresident insurance agent license in lieu of further fact-finding.

Stipulation

The undersigned stipulates and agrees to the above findings fact and conclusions of law and waives his rights to administrative hearing and judicial review of the Commissioner's Order.

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| Dwayne C. Lequire Respondent | Date |
|---------------------------------|------|

Prepared by:

Brenda J. Clary
KID Staff Attorney

IT IS THEREFORE ORDERED BY THE COMMISSIONER OF INSURANCE THAT surrender of the Kansas nonresident insurance agent's license of **DWAYNE C. LEQUIRE** is hereby accepted and effective on this day, and **DWAYNE C. LEQUIRE** shall not sell, solicit or negotiate insurance, or receive compensation on account of the sale, solicitation, or negotiation of insurance, conducted in this state on or after the effective date of this order.

IT IS SO ORDERED THIS __6th__ DAY OF __January__ 2011, IN THE CITY OF TOPEKA, COUNTY OF SHAWNEE, STATE OF KANSAS.



_____/s/ Sandy Praeger_____
Sandy Praeger
Commissioner of Insurance

BY:

_____/s/ Robert M. Tomlinson_____
Robert M. Tomlinson
Assistant Commissioner of Insurance
Presiding Officer

NOTICE

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 served a true and correct copy of the above and foregoing **Consent Agreement and Final Order** and accompanying **Notice of Rights** on this ___11th___ day of ___Jan._____ 2011, by causing the same to be placed in the United States Mail, first class postage prepaid, addressed to the following:

DWAYNE C. LEQUIRE

PO Box 1298
Sonoita, AZ 85637

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