

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

In the Matter of)	
The Kansas Nonresident)	
Insurance Agent's License of)	Docket No. 4252-CO
JORDAN A. RACEY, NPN#12233704)	

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.*, the Commissioner hereby accepts the stipulations of the parties and accepts surrender of Respondent's Kansas nonresident insurance agent's license. 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 Jordan R. Racey is licensed as a nonresident Kansas insurance agent and has been so licensed since November 20, 2008.
2. KID records further reflect that Respondent's legal address and mailing address of record is 15625 Maturin Drive, San Diego, CA 92127.
3. Until his contract was terminated, effective October 5, 2010, for alleged application fraud, Respondent was appointed as an agent by Liberty Life Insurance Company and employed by Matrix Direct, Inc.
4. Liberty Life Insurance Company alleged that Respondent created and submitted applications and payment authorizations over unauthorized signatures.

5. Liberty Life Insurance Company has supplied corroborating evidence including recorded telephone calls and printouts of electronic transactions associated with Respondent's computer access.
6. Respondent denies the allegations but has tendered his license for surrender.
7. Respondent understands his right to have a hearing on the facts and disposition and to seek review of an adverse order in this matter.
8. Respondent expressly waives hearing and stipulates to the foregoing facts.
9. Respondent further waives administrative and judicial review.
10. KID agrees to accept surrender of Respondent's license and close its investigation without further action in consideration for Respondent's stipulations.

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. . .

(7) Admitted to or been found to have committed any insurance unfair trade practice or fraud in violation of K.S.A. 40-2404 and amendments thereto

. . .

(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. . . . [or]

(10) Forged another person's name to an application for insurance.” K.S.A. 40-4909(a).
12. Making false or fraudulent statements or representations on an application for an insurance policy is an unfair trade practice. K.S.A. 40-2404(11).
13. Voluntary surrender of a license does not deprive the Commissioner of jurisdiction or right to institute or proceed with disciplinary action. K.S.A. 40-4909(e).

Conclusions of Law

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

15. The Commissioner finds, based on the facts contained in paragraphs 4 and 5, that sufficient evidence exists, in the absence of evidence to the contrary, to support action against Respondent's license pursuant to K.S.A. 40-4909(a) because it appears Respondent has committed an unfair trade practice in submitting applications with unauthorized digital signatures.

16. The Commissioner further concludes that accepting surrender of Respondent's license would adequately protect the interests of the insurer and the insurable interests of the public.

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.

Jordan A. Racey
Respondent

Date

Prepared by:

Brenda J. Clary
Staff Attorney

IT IS THEREFORE ORDERED BY THE COMMISSIONER OF INSURANCE
that the Kansas nonresident insurance agent's license of Jordan A. Racey is terminated by
surrender, and Jordan A. Racey shall not sell, solicit, or negotiate contracts of insurance
within the state of Kansas from and 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, it must be filed within 30 days of service of this order, and 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 a fully executed and filed copy of the above and foregoing Consent Agreement and Final Order was placed in the United States mail, first-class postage prepaid, on this 6th day of Jan. 2011, addressed to the following:

Jordan A. Racey
15625 Maturin Drive
San Diego, CA 92127

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