

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

In the Matter of the Kansas Resident)
Insurance Agent's License of)
DAVID L. ROBINSON)
NPN #7924459)
And the Kansas Resident) Docket No. **4282--SO**
Insurance Agency License of)
Robinson Insurance Agency)
██████████)

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 resident insurance agent's license of David L. Robinson ("Respondent") and the Kansas resident insurance agency license of Robinson Insurance Agency ("Respondent Agency") 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 November 6, 1968, and that Respondent's individual agent license is currently suspended for failure to satisfy continuing education requirements for renewal by December 25, 2010.
2. KID records further indicate Respondent Agency is licensed as a Kansas resident insurance agency.

3. Respondent is the owner of the Respondent Agency and the Kansas licensed agent identified as the person responsible for the agency's compliance with Kansas insurance law.
4. Respondent's and Respondent Agency's legal and mailing address is 1901 E. 950 Road, Lawrence, KS 66049-9152.
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 Respondent.
6. Following investigation, the Commissioner finds evidence sufficient to support the following facts:
 7. Respondent was convicted of multiple counts arising from a conspiracy to use and sell fraudulent diplomatic credentials and sentenced on February 8, 2010, in the United States District Court for the Eastern District of Missouri.
 8. Respondent was sentenced to serve six years and three months in federal prison.
 9. Respondent did not report the conviction within 30 days as required by K.A.R. §40-7-9(d) and has not reported it to date.
 10. Respondent Agency has not designated a duly licensed agent as the person responsible for compliance of the agency.
 11. By letter dated February 15, 2011, and addressed to Respondent and Respondent Agency at their address of record, counsel for KID asked Respondent and Respondent Agency to reply within 15 business days if any of the foregoing statements were disputed.

12. To date, Respondent has not replied, and the letter has not been returned.
13. The facts are thus deemed undisputed.

Applicable Law

14. 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, and amendments thereto, or any rule and regulation promulgated thereunder; . . .

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

(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).

15. K.A.R. §40-7-9(d) requires that a licensee report to the Commissioner the details of a conviction within 30 days.

16. A licensed business entity must identify a licensed agent to be responsible for the business entity's compliance with the insurance laws of this state. K.S.A. 40-4905(c)(1).

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. 40-4909(b).

Conclusions of Law

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

19. The Commissioner finds that Respondent's license may be revoked pursuant to K.S.A. 40-4909(a)(6) because Respondent has been convicted of one or more felony offenses.

20. Based on the conviction, the Commissioner finds that Respondent's license may be revoked pursuant to K.S.A. 40-4909(a)(8) because the conviction(s) required proof of fraudulent conduct.

21. The Commissioner also finds that Respondent's license may be revoked pursuant to K.S.A. 40-4909(a)(2)(A) because Respondent failed to report the conviction as required by K.A.R. §40-7-9(d).

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. Finally, the Commissioner concludes that Respondent's license should be revoked because neither the interests of the insurer nor the insurable interests of the public are properly served under the license.

24. In addition, the Commissioner finds that the license of Respondent Agency must be cancelled because the agency has not identified a licensed agent to assume responsibility for the agency's compliance and therefore does not satisfy the requirements for continued licensure.

25. 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

1. The Kansas resident insurance agent's license of **DAVID L. ROBINSON** is hereby **REVOKED**;
2. That **DAVID L. ROBINSON** 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 conducted on and after the effective date of this order; and
3. The Kansas resident insurance agency license of the **ROBINSON INSURANCE AGENCY** is hereby cancelled.

IT IS SO ORDERED THIS __10th__ DAY OF MARCH 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 10th day of March 2011 by causing the same to be placed in the United States Mail, first class postage prepaid, addressed to the following:

David L. Robinson
& Robinson Insurance Agency
1901 E. 950 Road
Lawrence, KS 66049-9152

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