

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

In the Matter of the Kansas Nonresident)
Insurance Agent's License of) Docket No. **4269--SO**
JENNALE R. ROGERS)
NPN #8006231)

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 Jennale R. Rogers ("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 resident agent to transact the business of insurance in Kansas and has been so licensed since January 23, 2007.
2. KID records further indicate Respondent's legal address is 1817 Lesley Street, Clovis, New Mexico, and her mailing address is State Farm Insurance, 2120 Ross Street, Clovis, NM 88101-3713.
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. Respondent was previously licensed as a Kansas resident insurance agent with a legal address in Wichita, Kansas.
6. On or about June 16, 2010, Respondent electronically reported a change of residential and mailing addresses from Kansas to New Mexico.
7. On June 16, 2010, the Commissioner issued clearance letters to verify Respondent's Kansas resident license and qualifications.
8. On September 15, 2010, Respondent contacted KID staff about her status.
9. By electronic mail message dated November 19, 2010, KID staff notified Respondent that five months had passed since she moved from Kansas to New Mexico and that if KID could not confirm by December 16, 2010, that Respondent had obtained a resident license in New Mexico, action would be taken against her Kansas license.
10. KID staff further suggested Respondent cancel her Kansas license by prior to December 16, 2010, to avoid action against her license.
11. To date, Respondent has not provided proof she has obtained a New Mexico resident license, nor has she cancelled her Kansas license.
12. By letter dated December 29, 2010, and mailed to Respondent's mailing address of record, counsel for KID summarized the foregoing records and invited Respondent to reply within 15 days if she disputed the facts.
13. To date, Respondent has not replied.
14. Thus, the facts are deemed undisputed.

Applicable Law

15. 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;” K.S.A. 2009 Supp. 40-4909(a).

16. “Unless denied licensure pursuant to K.S.A. 2009 Supp. 40-4909, and amendments thereto, a nonresident person shall receive a nonresident agent license if . . . such person is currently licensed as a resident and in good standing in such person’s home state.” K.S.A. 40-4906(a)(1).

17. Any insurance agent who resides in this state and who moves from this state to another state shall file with the commissioner within 30 days a change of address and provide certification from the new resident state.” K.S.A. 40-4909(c)(2).

18. 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

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

20. The Commissioner finds, based on the facts contained in paragraphs 5 through 11, that Respondent’s license may be revoked pursuant to K.S.A. 40-4909(a)(2)(A) because Respondent has violated the provisions of K.S.A. 40-4906(c)(2).

21. More importantly, the Commissioner finds from the same facts that Respondent’s license must be cancelled or revoked because Respondent is not licensed and in good standing in his home state and thus is not entitled, pursuant to K.S.A. 40-4906(a)(1), to hold a license based on reciprocity.

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) and K.S.A. 40-4906.

23. 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 **JENNALE R. ROGERS** is hereby **REVOKED**. **It is further ordered**, that **JENNALE R. ROGERS** 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.

IT IS SO ORDERED THIS 21st 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/ 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
__21st__ day of January 2011, by causing the same to be placed in the United States
Mail, first class postage prepaid, addressed to the following:

Jennale R. Rogers
State Farm Insurance
2120 Ross St.
Clovis, NM 88101-3713

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