

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

In the Matter of the)
Kansas Resident)
Insurance Agent's License of) Docket No. 4259-SO
ELVA L. SOLIS)
NPN #6111031)

PROPOSED DEFAULT ORDER
(Pursuant to K.S.A. 40-4909 and K.S.A. 77-520)

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 Elva L. Solis ("Respondent") by Default Order as provided by K.S.A. 2010 Supp. 77-520.

Findings of Fact

1. On January 7, 2011, the Kansas Insurance Department (KID) served a Summary Order making certain findings of fact and conclusions of law and proposing to revoke the Kansas resident insurance agent license of Respondent.
2. Respondent timely requested a hearing, and appeared by telephone for a prehearing conference on March 1, 2011.
3. At Respondent's request, a hearing date was set in May, and the matter was scheduled for hearing on May 3, 2011 beginning at 10:00 a.m. at the Kansas Insurance Department.
4. A Prehearing Order containing notice of the date, time, and location of the hearing was mailed by first class mail to Respondent's address of record on March 3, 2011, and not returned.
5. Notice is proper.
6. Counsel for KID appeared on the date and time for the hearing.
7. Respondent did not appear.

Applicable Law

8. If a party fails to participate in a hearing, the presiding officer may serve upon all parties written notice of a proposed default order. K.S.A. 77-520(a).

“Within seven (7) days after service of a proposed default order, the party against whom it was issued may file a written motion requesting that the proposed default order be vacated and stating the grounds relied upon.” K.S.A. 77-520(b). When the proposed default order is served by mail, three days are added to the time. K.S.A. 77-531. Unless a written motion is filed within the time allowed, the proposed default order will become effective at the expiration of the time allowed. K.S.A. 77-520(c). The proposed default order is effective upon service if not vacated. K.S.A. 77-520(d).

9. Pursuant to K.S.A. 77-526(a), the Presiding Officer, the Assistant Commissioner of Insurance acting on behalf of the Commissioner of Insurance as the agency head as provided in K.S.A. 77-547, is empowered to render a Final Order.

Conclusions of Law

10. Applicant has been properly served notice of the proposed action and notice of hearing.

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

12. The Commissioner finds that Applicant has failed to appear for the formal hearing and a proposed default order may and should be served.

IT IS THEREFORE ORDERED BY THE COMMISSIONER OF INSURANCE THAT the Kansas resident insurance agent license of Elva L. Solis is hereby **REVOKED for the reasons stated in the Summary Order**, and the Summary Order served on January 7, 2011, is attached and incorporated by reference. **Unless vacated by further order, this Proposed Default Order shall become effective and be filed as a Final Order at the expiration of the time for filing a motion to vacate the order.**

IT IS SO ORDERED THIS __3rd__ DAY OF MAY 2011, IN THE CITY OF TOPEKA, COUNTY OF SHAWNEE, STATE OF KANSAS.



_____/s/ Robert Tomlinson_____
Robert Tomlinson
Assistant Commissioner of Insurance

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

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 he/she served a true and correct copy of the above and foregoing **Proposed Default Order** on this __3rd__ day of May 2011, by causing the same to be placed in the United States Mail, first class postage prepaid, addressed to the following:

Elva L. Solis
2804 Hennessey
Dodge City, KS 67801-2392

_____/s/ Jana L. Beethe_____
Jana L. Beethe

Certificate of Service

The undersigned hereby certifies that a true and correct copy of the above and foregoing **Final Default Order** was served by placing the same in the United States Mail, first class, postage prepaid, on this 13th day of May 2011, addressed to the following:

Elva L. Solis
2804 Hennessey
Dodge City, KS 67801-2392

And by hand delivery to:

Brenda J. Clary
Staff Attorney
Kansas Insurance Department
420 SW 9th Street
Topeka, Kansas 66612

_s/ Jana L. Beethe _____
Jana L. Beethe
Legal Assistant

18. By letter dated November 9, 2010, Farmers' Insurance Group notified KID that Respondent's appointments with Farmers affiliated companies had been terminated for cause because of mishandling of premium belonging to the company.

19. In a letter mailed to Respondent's address of record on November 18, 2010, counsel for KID informed Respondent of the foregoing information and invited Respondent to reply within 15 business days if she disputed it.

20. Respondent did not reply but admitted to other KID staff that she used premium for business and personal expenses.

Applicable Law

21. 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. . . .” K.S.A. 40-4909(a).

22. 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

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

24. The Commissioner finds, based on the facts contained in paragraphs 6, 7, and 8 that Respondent has improperly withheld, misappropriated, or converted money or property received in the course of doing insurance business.

25. The Commissioner also finds from the same facts that Respondent has used dishonest practices and demonstrated untrustworthiness or financial irresponsibility in the conduct of business.

26. 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. 2004 Supp. 40-4909(a).

27. 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 resident insurance agent's license of **ELVA L. SOLIS** is hereby **REVOKED. It is further ordered,** that **ELVA L. SOLIS** 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 7th 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/ John W. Campbell
John W. Campbell
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:

John W. Campbell, 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

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 **Summary Order** and accompanying **Notice of Rights** on this 7th day of January 2011 by causing the same to be placed in the United States Mail, first class postage prepaid, addressed to the following:

Elva L. Solis
2804 Hennessey
Dodge City, KS 67801-2392

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