

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

In the Matter of the Kansas Resident)	
Insurance Agent's Licenses of)	Docket No. 4397-SO
TROY J. JACKSON,)	
NPN #7567012, and)	
BLUE RIBBON TITLE,)	Docket No. 4398-SO
Lic. #200726894-000,)	
Respondents)	

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 licenses of Troy J. Jackson ("Respondent") and Blue Ribbon Title ("Respondent Agency"), by way of Summary Order as provided by K.S.A. 77-537. This Summary Order shall become effective as a Final Order, without further notice, upon the expiration of the fifteen (15) day period for requesting a hearing if no hearing is requested.

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 March 21, 2003.
2. KID records further indicate Respondent's legal address is 1306 Pine Tree, Derby, KS 67036, and his mailing address is 240 N. Rock Rd, Ste 375, Wichita, KS 67206.
3. According to KID records, Respondent Agency was licensed as a Kansas resident insurance agent from May 11, 2004, until the agency was determined to have been abandoned and the entity license was cancelled effective July 30, 2010.
4. Respondent Agency's last address of record was 240 N. Rock Rd, Ste 375, Wichita, KS 67206.
5. KID records reflect that Respondent was the licensed agent designated as the agent responsible for Respondent Agency's compliance with the insurance laws and

regulations of the state of Kansas and the only licensed agent affiliated with the agency after December 2008.

6. 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.

7. Following investigation, the Commissioner finds evidence sufficient to support the following findings of fact:

8. Respondent Agency was appointed as an agent for Stewart Title Guaranty Company from June 29, 2004, until cancellation of the entity license.

9. Despite written demand by the company by letter of October 3, 2011, Respondent and Respondent Agency have failed to pay an outstanding premium balance of \$34,554.44 owed to Stewart Title Guaranty Company.

10. By letter dated December 15, 2011, addressed to Respondent and Respondent Agency at Respondent's mailing address of record, counsel for KID summarized the foregoing information and invited Respondent to reply in writing within 15 business days if he disputed the facts.

11. The letter was returned by postal service marked "not deliverable as addressed; unable to forward."

12. Respondent Agency has never reported misconduct by a licensee employed by the agency.

Applicable Law

13. 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; . . .

(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. 2010 Supp. 40-4909(a).

14. K.S.A. 40-247 provides that an insurance agent receives premium in trust for the company making the insurance contract, and failure to pay premium to the company is a criminal offense. Failure to pay premium over to the company after a written demand is prima facie evidence that the agent has improperly used the premium for another purpose. K.S.A. 2010 Supp. 40-247(a).

15. 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. 2010 Supp. 40-4909(b).

16. The license of a business entity may be revoked, suspended, or refused renewal if the Commissioner finds that a violation by an individual licensee employed by or acting on behalf of the entity was known, or should have been known, by a partner, officer, or manager of the entity, and the violation was not reported to the Commissioner and/or the entity failed to take corrective action. K.S.A. 2010 Supp. 40-4909(d).

17. In order to be issued an agency license, a business entity must designate a licensed agent to be responsible for the agency's compliance with the insurance laws and regulations of the state. K.S.A. 2010 Supp. 40-4905(c)(1).

Conclusions of Law

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

19. The Commissioner finds that Respondent was responsible for Respondent Agency's compliance, and because Respondent was the agency's only affiliated agent, Respondent's conduct and Respondent Agency's conduct are indistinguishable.

20. The licenses of Respondent and Respondent Agency may be revoked pursuant to K.S.A. 40-4909(a)(2(A) and (a)(4) because Respondents have improperly withheld or misappropriated premium in violation of K.S.A. 40-247.

21. Further, the licenses of Respondent and Respondent Agency may be revoked because failure to pay premium and/or respond to communications from the company and KID constitute incompetence, untrustworthiness or financial irresponsibility in the conduct of business.

22. Based on the foregoing findings, the Commissioner concludes that sufficient grounds exist for the revocation of Respondents' insurance agent's licenses pursuant to K.S.A. 40-4909(a).

23. The Commissioner further concludes Respondents' licenses should be revoked pursuant to K.S.A. 40-4909(b) because such licenses are not properly serving the interests of the insurer and the insurable interests of the public.

24. 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.

25. Before issuing an insurance agent license, the Commissioner must determine that the applicant is qualified and has not committed any act that would be grounds for denial, suspension, or revocation. K.S.A. 40-4905(b). Further, 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 the license. K.S.A. 40-4909(b). Thus, the Commissioner is charged with safeguarding the security and integrity of the insurance business and protecting insurance consumers by licensing, or continuing to license, persons or entities to sell, solicit, or negotiate insurance in the State of Kansas only if their conduct indicates they are both qualified and trustworthy. The following action is both necessary and sufficient to serve that purpose.

IT IS THEREFORE ORDERED BY THE COMMISSIONER OF INSURANCE THAT the Kansas resident insurance agent's licenses of TROY J. JACKSON and BLUE RIBBON TITLE are hereby REVOKED.

It is further ordered, that **TROY J. JACKSON** shall **CEASE and DESIST** from the sale, solicitation, or negotiation of insurance, directly or indirectly doing any act toward 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 revocation.

It is further ordered, pursuant to KSA 77-415(b)(2)(A), that this order is designated by KID as precedent

IT IS SO ORDERED THIS __20th__ DAY OF JANUARY 2012, 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 ___20th___ day of January 2012, by causing the same to be placed in the United States Mail, first class postage prepaid, addressed to the following:

Troy J. Jackson &
Blue Ribbon Title
1306 Pine Tree
Derby, KS 67037

_/_s/ Brenda J. Clary_____

Brenda J. Clary
Staff Attorney