

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

**In the Matter of the Kansas Nonresident)
Insurance Agent's License of)
PETER E. OKOLIE) Docket No. 4445--SO
NPN #4891253)**

FINAL ORDER

The Presiding Officer in the matter is 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.

On this 23rd day of July 2012, this matter comes before the Presiding Officer Robert M. Tomlinson for a prehearing conference on the revocation of the Kansas nonresident insurance agent's license of Peter E. Okolie ("Respondent"). The Kansas Insurance Department appears by and through Brenda J. Clary, staff attorney. Respondent appears by phone.

By agreement of the parties, the prehearing conference in this matter is cancelled, as Respondent has withdrawn his request for a hearing in this matter. Respondent originally submitted a written request for a hearing pursuant to K.S.A. 77-537 and K.S.A. 77-542. Respondent understands that he has a right to a hearing in this matter. The Presiding Officer has also offered to continue the prehearing conference scheduled for this day in order to allow Respondent to obtain alternate counsel, his original counsel having withdrawn. However, Respondent has elected to withdraw his request for a hearing in this matter with the knowledge that by doing so the attached

Summary, issued May 22, 2012, will become effective as a Final Order this date, since the time for requesting a hearing has expired, and that his license will be revoked.

IT IS SO ORDERED.



_____/s/ Robert M. Tomlinson_____
Robert M. Tomlinson
Asst. Commissioner of Insurance
Presiding Officer

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 **Final Order** on this ___6th___ day of August, 2012, by causing the same to be placed in the United States Mail, first class postage prepaid, addressed to the following:

Peter E. Okolie
7711 Walnut St.
Kansas City, MO 64114
Respondent

And by hand delivery to the following:

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

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

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In the Matter of the Kansas Nonresident)
Insurance Agent’s License of) Docket No. **4445--SO**
PETER E. OKOLIE)
NPN 4891253)

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 Peter E. Okolie (“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 was licensed first licensed to transact the business of insurance in Kansas in November 1989 and has been continuously licensed as a nonresident agent since October 4, 2011.
2. KID records further indicate Respondent’s legal and mailing address is 7711 Walnut St., Kansas City, MO 64114.
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. By letter of March 22, 2012, Coventry Health Care (“Coventry”) notified KID that it had terminated Respondent’s agent appointment for cause, effective on the same date.
6. According to an investigative report and supporting documentation provided by Coventry, Respondent submitted an individual enrollment request form dated March 5, 2012, for a Coventry Medicare Advantage plan in the name of a person, “RMA,” who died November 12, 2009, and the application contained the purported signature of the deceased person.

7. According to an investigative report and supporting documentation provided by Coventry, Respondent submitted an individual enrollment request form dated March 8, 2012, for a Coventry Medicare Advantage plan in the name of a person, "CCB," a living person, and the application contained the forged signature of the named applicant.
8. By letter of April 16, 2012, counsel for KID summarized the foregoing facts and invited Respondent to reply in writing if he disputed the facts.
9. Respondent replied that he signed the applications but did so to obtain coverage at the request of the consumers.
10. Respondent further alleged that the agency and/or company made the allegations in order to avoid paying renewal commissions.
11. Without deciding whether an ulterior motive for the termination for cause may exist, the Commissioner finds that that the documentation clearly and convincingly supports the allegations.

Applicable Law

12. K.S.A. 2010 Supp. 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: . . .
(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. . . .
(10) Forged another person's name to an application for insurance or to any document related to an insurance transaction." K.S.A. 2010 Supp. 40-4909(a).
13. 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

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 6 and 7, that Respondent's license may be revoked pursuant to K.S.A. 40-4909(a)(10) because Respondent has forged another person's signature to an application for insurance.

16. In addition, based on the same facts and Respondent's communication with KID, the Commissioner finds that Respondent's license may be revoked pursuant to K.S.A. 40-4909(a)(8) because Respondent has used a fraudulent and dishonest practice in the conduct of his insurance business and in his response to KID's inquiry.

17. 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).

18. The Commissioner further concludes Respondent's license may be revoked pursuant to K.S.A. 40-4909(b) because such license is not properly serving the interests of the insurer and the insurable interests of the public.

19. 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.

Policy to be Served

20. 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. The following action is necessary and appropriate to promote the security and integrity of the insurance business and protect 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.

IT IS THEREFORE ORDERED BY THE COMMISSIONER OF INSURANCE THAT the Kansas nonresident insurance agent's license of **PETER E. OKOLIE** is hereby **REVOKED**. **It is further ordered**, that **PETER E. OKOLIE**, shall **CEASE and DESIST** from the sale, solicitation, or negotiation of insurance, doing any act toward the sale, solicitation, or negotiation of insurance, and/or receiving compensation deriving from the sale, solicitation, or negotiation of insurance in Kansas or on Kansas risks through business conducted on and after the effective date of this order.

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 __22nd__ DAY OF MAY 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 ___22nd___ day of May 2012, by causing the same to be placed in the United States Mail, first class postage prepaid, addressed to the following:

Peter E. Okolie
7711 Walnut St.
Kansas City, MO 64114

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