

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

In the Matter of the Kansas Resident)	
Insurance Agent's License of)	
SASHA M. POELL)	Docket No. 4522--SO
NPN 6106537.)	

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 Sasha M. Poell ("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 insurance agent in the state of Kansas and has been so licensed since October 26, 1999.
2. Respondent's legal address is in Wichita, Kansas, and her mailing address of record is 3918 N. Lakecrest Circle, Wichita, KS 67205-5235.
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 Respondent.
4. Following investigation, the Commissioner finds evidence sufficient to support the following facts:
5. Respondent was previously appointed as an agent for American Family Insurance Group ("American Family").
6. Following Respondent's voluntary termination, American Family discovered that Respondent or a licensed agent employed in Respondent's agency issued proof of insurance that falsely or incorrectly reflected coverage on policies of two consumers.
7. By letter dated September 10, 2012, KID attempted to contact Respondent at her legal and mailing addresses of record to inquire about the circumstances.

8. Returned mail and postal notices reflect that neither address was current.
9. Respondent received the letter addressed to her legal address of record and forwarded to her current address, and she replied by email dated September 25, 2012.
10. Respondent denied knowledge of intentional falsification of documents.
11. By email to the same email address on October 17, 2012, counsel for KID reminded Respondent of the regulation requiring her to notify KID of a change of address within 30 days and suggested an agreed disposition of the matter.
12. By separate email to the same email address later in the day on October 17, 2012, counsel for KID notified Respondent that KID had just learned American Family would be sending additional information and that any agreed disposition would be conditioned on the absence of credible evidence of misconduct.
13. On October 22, KID received Respondent's change of legal and mailing address to 3918 N. Lakecrest Cir., Wichita, KS 67205-5235.
14. American Family provided documentation of two premium checks received from escrow accounts, one for \$2,217.00, dated April 23, 2012, and the other for \$1,801.00, dated December 16, 2011, that Respondent received and cashed but did not apply to the homeowners policies.
15. By letter dated October 22, 2012, and addressed to Respondent at her updated address of record, counsel for KID invited Respondent to reply in writing by mail or email if she disputed the additional facts.
16. To date, Respondent has not replied, and the letter has not been returned; thus, the facts are deemed to be undisputed.

Applicable Law

17. 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. 2011 Supp. 40-4909(a).

18. “Each person licensed in this state as an insurance agent shall report the following to the commissioner of insurance within 30 days of occurrence: . . . (f) each change in residence address; and (g) each change in the name or address of the agency with which the agent is associated.” K.A.R. §40-7-9.

19. 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).

Conclusions of Law

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

21. The Commissioner finds that Respondent’s license may be revoked pursuant to K.S.A. 40-4909(a)(2)(A) because Respondent has violated an insurance regulation by failing to report a change in residence address within 30 days as well as by failing to report within 30 days of leaving the agency that her mailing address, the agency address, was no longer current.

22. The Commissioner finds that Respondent’s license may be revoked pursuant to K.S.A. 40-4909(a)(4) because Respondent received and cashed checks for insurance premium but did not apply the funds to the policies.

23. The Commissioner further finds that Respondent’s license may be revoked pursuant to K.S.A. 40-4909(a)(8) because Respondent has demonstrated incompetence, a lack of trustworthiness, and/or financial irresponsibility in the management of her agency and in her dealings with the company and KID’s communications.

24. Based on the foregoing findings, the Commissioner concludes that sufficient grounds exist for the revocation of Respondent’s insurance agent license pursuant to K.S.A. 2010 Supp. 40-4909(a).

25. Further, the Commissioner finds that Respondent's license should be revoked pursuant to K.S.A. 40-4909(b) because it is not serving the interests of the insurer or the insurable interests of the public.

26. 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

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 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.

THE COMMISSIONER OF INSURANCE THEREFORE ORDERS that the Kansas resident insurance agent's license of **SASHA M. POELL** is hereby **REVOKED**, and **SASHA M. POELL** shall **CEASE and DESIST** from the sale, solicitation, or negotiation of insurance, receiving compensation deriving from the sale, solicitation, or negotiation of insurance conducted on and after the effective date of this order, or performing any act toward the solicitation of or transaction of any business of insurance from 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 __9th__ DAY OF NOVEMBER 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 9th day of November 2012 by causing the same to be placed in the United States Mail, first class postage prepaid, addressed to the following:

Sasha M. Poell
3918 N. Lakecrest Cir.
Wichita, KS 67205-5235

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