

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

In the Matter of the Kansas Resident)
Insurance Agent's License of) Docket No. **4467-SO**
GIGI M. ROWLAND)
NPN #6122261.)

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 Gigi M. Rowland ("Respondent"), 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 was originally licensed as a resident agent to transact the business of insurance in Kansas in July 2000 and has been continually so licensed since November 18, 2004.
2. KID records further indicate Respondent's legal and mailing address is 1131 N. Curtis Street, Wichita, KS 67202-2709.
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. KID received a request for assistance in Contacting Respondent, dated June 22, 2011, from a consumer, F.H.
6. According to F.H., Respondent had solicited insurance business from him over about nine months prior to April 2011, when he loaned Respondent \$1,800 with the

understanding that Respondent would repay him within four to six months, and Respondent then ceased to respond to his phone calls and messages.

7. On June 27, 2011, a KID consumer assistance representative mailed an inquiry to Respondent at her address of record, and the letter was not returned.

8. On September 26, 2011, the representative mailed a second request to Respondent at her address of record, and the letter was not returned.

9. On October 18, 2011, the representative sent an email message to Respondent's email address of record.

10. To date, Respondent has not replied to the inquiries.

11. By letter of July 6, 2012, mailed to Respondent's address of record, counsel for KID summarized the foregoing facts and invited Respondent to reply within 15 business days if she disputed the facts.

12. To date, Respondent has not replied. Thus the facts are deemed undisputed.

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: . . .

(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).

14. 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

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

16. The Commissioner finds that Respondent's agent's license may be revoked pursuant to K.S.A. 40-4909(a)(4) because Respondent received a loan from an insurance consumer and converted the funds to her own use by failing to repay the loan.

17. The Commissioner finds that Respondent's agent's license may be revoked pursuant to K.S.A. 40-4909(a)(8) because Respondent has used a fraudulent, coercive, or dishonest practice in the conduct of business and has demonstrated a lack of trustworthiness and financial responsibility in business.

18. 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).

19. The Commissioner further concludes Respondent's license should 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.

20. 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.

21. Before issuing an insurance agent's 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 license of GIGI M. ROWLAND is hereby REVOKED.

It is further ordered that GIGI M. ROWLAND 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 SO ORDERED THIS __3rd__ DAY OF AUGUST 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 3rd day of August 2012, by causing the same to be placed in the United States Mail, first class postage prepaid, addressed to the following:

Gigi M. Rowland
1131 N. Curtis St.
Wichita, KS 67212-2709

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