

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

In the Matter of the Kansas Nonresident )  
Insurance Agent's License of ) Docket No. **4410--SO**  
**BENJAMIN L. TINDAL** )  
NPN 1988164 )

**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 Benjamin L. Tindal ("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 nonresident agent to transact the business of insurance in Kansas and has been so licensed since October 26, 2010.
2. KID records further indicate Respondent's legal address and mailing address is 96 Springton Rd., Upper Darby, PA 19082-4823.
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 Consent Order of the Insurance Commissioner of the Commonwealth of Pennsylvania, dated August 1, 2011, Respondent was assessed a civil penalty and his home state license placed on probationary status as a result of misconduct including forgery of insurance applications.
6. Respondent subsequently surrendered the Pennsylvania license, effective October 25, 2011.

7. Respondent's Kentucky insurance producer license was revoked effective December 8, 2011.
8. Respondent's Virginia insurance producer license was revoked effective January 19, 2012.
9. Respondent did not report these actions to the Kansas Insurance Department within 30 days as required by K.A.R. §40-7-9(a) and has not reported them to date.
10. By letter of March 5, 2012, addressed to Respondent at his address of record, counsel for KID summarized the foregoing facts and invited Respondent to reply in writing if he disputed the facts.
11. To date, the letter has not been returned, and Respondent has not replied; thus, the facts are deemed undisputed.

#### **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: . . .

(2) Violated: (A) Any provision of chapter 40 of the Kansas Statutes Annotated, and amendments thereto, or any rule and regulation promulgated thereunder; . . . .

(9) Had an insurance agent license, or its equivalent, denied, suspended or revoked in any other state, district or territory. . . .

(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. K.A.R. §40-7-9(a) requires a licensed agent to report to the Commissioner within 30 days any disciplinary action against the agent's license by the insurance regulatory agency of another jurisdiction.
14. Pursuant to K.S.A. 40-4906(a), a person who is not a resident of Kansas is entitled to hold a Kansas nonresident license if that person is licensed and in good standing in the person's home state.
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. 40-4909(b).

### **Conclusions of Law**

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

17. The Commissioner finds, based on the facts contained in paragraphs 6 through 9, that Respondent's license may be revoked pursuant to K.S.A. 40-4909(a)(2)(A) because Respondent has violated K.A.R. §40-7-9(a) by failing to report disciplinary actions against his insurance agent license by another state.

18. The Commissioner finds that Respondent's license may be revoked pursuant to K.S.A. 40-4909(a)(9) because Respondent has had insurance agent's licenses revoked by other states.

19. In addition, the Commissioner finds that Respondent's license may be revoked because Respondent has forged another person's name to an application for insurance.

20. 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).

21. 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.

22. Beyond grounds for revocation pursuant to K.S.A. 40-4909(a) and (b), the Commissioner finds that Respondent's license must be revoked or cancelled because Respondent is no longer qualified to hold a license based on reciprocity.

23. 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**

24. 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.

**IT IS THEREFORE ORDERED BY THE COMMISSIONER OF INSURANCE THAT** the Kansas nonresident insurance agent's license of **BENJAMIN L. TINDAL** is hereby **REVOKED**. **It is further ordered**, that **BENJAMIN L. TINDAL** 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 \_\_27th\_\_ DAY OF MARCH 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. 9<sup>th</sup> 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. 9<sup>th</sup> 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   27th   day of March 2012, by causing the same to be placed in the United States Mail, first class postage prepaid, addressed to the following:

Benjamin L. Tindal  
96 Springton Rd.  
Upper Darby, PA 19082-4823

\_/\_s/ Brenda J. Clary\_\_\_\_\_

Brenda J. Clary  
Staff Attorney