

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

In the Matter of the Kansas Nonresident)
Insurance Agent’s License of) Docket No. **4488--SO**
JABARI WASHINGTON)
NPN 14919247.)

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 Jabari Washington (“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 as a nonresident agent on October 27, 2011.
2. Respondent’s application reflected a legal and mailing address of 7900 Sycamore Ave., Apt. 10, Kansas City, MO 64138.
3. Subsequently, KID received notice from the United States Postal Service that Respondent’s address had changed to 13128 Ashland Ave., Grandview, MO 64030-3539.
4. 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.
5. Following investigation, the Commissioner finds evidence sufficient to support the following findings of fact:
6. Respondent applied electronically for a license and Respondent’s license was issued through National Insurance Producer Registry (“NIPR”) online services.
7. Respondent’s electronic payment for the license and transaction fees was declined by Respondent’s financial institution.
8. Despite demands, Respondent has failed to make payment to NIPR.

9. By letter dated March 19, 2012, and addressed to Respondent at Respondent's last known address, KID requested that Respondent make payment within ten business days.

10. To date, KID has not received confirmation of payment to NIPR, and the letter has not been returned.

11. By letter of July 27, 2012, addressed to Respondent at his last known address, KID summarized the foregoing facts and invited Respondent to reply in writing if he disputed the facts.

12. When Respondent had not replied by August 16, 2012, counsel for KID mailed a copy of the letter to the address Respondent supplied on his application.

13. To date, Respondent has not replied, and the letter has not been returned; thus, the facts are deemed undisputed.

Applicable Law

14. K.S.A. 2011 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; . . .

(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).

15. 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. 2011 Supp. 40-4909(b).

16. K.A.R. §40-7-9(f) requires a licensee to notify the Commissioner of a change in residence address within 30 days of the change.

Conclusions of Law

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

18. The Commissioner finds that Respondent's license may be revoked because he has violated K.A.R. §40-7-9(f) by failing to maintain a current address in KID's records.

19. The Commissioner finds, based on the facts contained in paragraphs 6 through 8, that Respondent's license may be revoked pursuant to K.S.A. 40-4909(a)(8) because Respondent has demonstrated financial irresponsibility in business.

20. Moreover, the Commissioner finds, based on the facts contained in paragraphs 8 through 13, that Respondent's license may be revoked pursuant to K.S.A. 40-4909(a)(8) because Respondent demonstrated a lack of trustworthiness by failing to maintain a current mailing address and/or failing repeatedly to respond to communication from NIPR and from KID.

21. 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).

22. 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.

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 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 **JABARI WASHINGTON** is hereby **REVOKED**. **It is further ordered**, that **JABARI WASHINGTON** 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 __11th__ DAY OF SEPTEMBER 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 11th day of September 2012, by causing the same to be placed in the United States Mail, first class postage prepaid, addressed to the following:

Jabari Washington
7900 Sycamore Ave., Apt. 10
Kansas City, MO 64138

With a copy to the following:

Jabari Washington
13128 Ashland Ave.
Grandview, MO 64030-3539

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