

**FINAL ORDER**

**EFFECTIVE: 3-26-13**

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

In the Matter of the Kansas Nonresident )  
Insurance Agency License of ) Docket No. 4566-SO  
**INSURED TITLE AGENCY, LLC** )  
**FEIN #204740964** )

**SUMMARY ORDER**

(Pursuant to K.S.A. 40-4909 and K.S.A. 77-501)

Pursuant to the authority granted to the Commissioner of Insurance (“Commissioner”) by K.S.A. 40-4909, the Commissioner hereby revokes the agency license of Respondent, **INSURED TITLE AGENCY, LLC** (“Respondent”). This Summary Order shall become effective as a Final Order, without further notice, upon the expiration of the fifteen (15) day period if no request for hearing is made, pursuant to K.S.A. 77-542.

**Findings of Fact**

The Commissioner finds the following facts:

1. Records maintained by the Kansas Insurance Department (“KID”) indicate Respondent is licensed as an agency to transact the business of insurance in the State of Kansas.
2. KID records further indicate the most recent mailing address of 13045 W. Linebaugh Avenue, Suite 101, Tampa, FL, 33626.
3. A notice of cancellation of an escrow, settlement or closing accounts bond was sent to KID by CNA Surety. The policy examiner who oversees title insurance companies wrote to Respondent asking for information on the cancellation and inquiring if there was a replacement bond, as required by statute.
4. To date, Respondent has failed to respond to either the inquiry of the policy examiner or the letter written by a KID staff attorney requesting an explanation.

### **Applicable Law**

5. K.S.A. 40-2,125(b) requires a person to respond to any proper inquiry of the commissioner.
6. K.S.A. 40-1139 requires title insurance agencies who handle escrow, settlement or closing accounts money to file a surety bond or irrevocable letter of credit with the Commissioner of the Kansas Insurance Department.
7. K.S.A. 40-4909 states, in pertinent part:
  - (a) 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.
  - (b) In addition, the commissioner may suspend, revoke or refuse renewal of any license issued under this 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.
8. K.S.A. 40-4909(a)(2)(A) permits the revocation of a license if the producer violates “[A]ny provision of chapter 40 of the Kansas Statutes Annotated, and amendments thereto, or any rule and regulation promulgated thereunder.”

### **Conclusions of Law**

9. The Commissioner has jurisdiction over Respondent Insured Title Agency, LLC as well as the subject matter of this proceeding, and such proceeding is held in the public interest.
10. The Commissioner finds, pursuant to K.S.A. 40-4909(b), that the insurable interests of the public are not properly served under Respondent’s license.

11. Accordingly, the Commissioner concludes sufficient grounds exist for the revocation of the insurance agency's license of Insured Title Agency, LLC pursuant to K.S.A. 40-4909(a) and (b).

**IT IS THEREFORE ORDERED BY THE COMMISSIONER OF INSURANCE THAT:**

1. The Kansas Insurance Agencies License of **INSURED TITLE AGENCY, LLC** is hereby **REVOKED** effective the effective date of this Order.

2. **IT IS FURTHER ORDERED** that **INSURED TITLE AGENCY, LLC** shall **CEASE** and **DESIST** from the sale, solicitation or negotiation of insurance and/or receiving compensation deriving from the sale, solicitation or negotiation of insurance conducted after the effective date of this Order.

**NOTICE AND OPPORTUNITY FOR HEARING**

**INSURED TITLE AGENCY, LLC**, within fifteen (15) days of service of this Summary Order, may file with the Kansas Insurance Department a written request for hearing on this Summary Order, as provided by K.S.A. 77-542. In the event a hearing is requested, such request should be directed to:

John Wine, General Counsel  
Kansas Insurance Department  
420 S.W. 9<sup>th</sup> Street  
Topeka, Kansas 66612

Any costs incurred as a result of conducting any administrative hearing shall be assessed against the agent/agency who is the subject of the hearing as provided by K.S.A. 40-4909(f). Costs shall include witness fees, mileage allowances, any costs associated with reproduction of documents which become part of the hearing record, and the expense of making a record of the hearing.

If a hearing is not requested, 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.

The Final Order will constitute final agency action in the matter.

In the event the Respondent files a petition for judicial review, the agency officer designated pursuant to K.S.A. 77-613(e) to receive service of a petition for judicial review on behalf of the Kansas Insurance Department is:

John Wine, General Counsel  
Kansas Insurance Department  
420 S.W. 9<sup>th</sup> St.  
Topeka, Kansas 66612

**IT IS SO ORDERED THIS \_\_8th\_\_ DAY OF \_\_March\_\_, 2013, IN THE CITY OF TOPEKA, COUNTY OF SHAWNEE, STATE OF KANSAS.**



\_\_\_\_\_/s/ Sandy Praeger\_\_\_\_\_  
Sandy Praeger  
Commissioner of Insurance

BY:

\_\_\_\_\_/s/ John Wine\_\_\_\_\_  
John Wine  
General Counsel

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that she served the above and foregoing Summary Order on this 8th day of March, 2013, by causing the same to be deposited in the United States Mail, first class postage prepaid, addressed to the following:

Mr. Kevin Overstreet  
Insured Title Agency, LLC  
13045 W. Linebaugh Avenue, Suite 101  
Tampa, FL 33626

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John R. Dowell  
Staff Attorney