

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

In the Matter of the Kansas Nonresident)
Insurance Agent's License of) Docket No. **4568--SO**
JASON N. LEIGH)
NPN 1295590.)

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 Jason N. Leigh ("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 March 8, 2006.
2. Respondent's legal address is in Amarillo, Texas, and his mailing address of record is 5211 Winslow Circle, Amarillo, TX 79109-5836.
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. Respondent's appointments with various Nationwide insurance companies were terminated for cause effective January 18, 2013.
6. According to Nationwide's investigation, Respondent falsely claimed his ex-wife as his current spouse on a form verifying eligibility for employee group health insurance benefits and submitted a mortgage document as proof of her status.

7. As a result of Respondent's misrepresentation, Nationwide paid over \$9,000 in additional insurance premium to cover Respondent's ex-wife.
8. Respondent's Kentucky insurance producer license was revoked, effective September 18, 2008, his Virginia license was revoked, effective November 14, 2007, and Respondent was twice denied a license in Wisconsin, effective June 19, 2006, and April 24, 2007.
9. In addition, Indiana, Vermont, and South Dakota have imposed penalties against Respondent for his violations of insurance law or regulations in those states.
10. By letter of February 14, 2013, addressed to Respondent at his mailing address of record, counsel for KID invited Respondent to reply if he disputed the above facts.
11. To date, Respondent has not replied, and the letter has not been returned; thus, the facts are deemed undisputed.

Applicable Law

12. 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; . . . [or] (C) any insurance law or regulation of another state; . . .
 - (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.
 - (9) Had an insurance agent license, or its equivalent, denied, suspended or revoked in any other state, district or territory. ” K.S.A. 2011 Supp. 40-4909(a).
13. A fraudulent insurance act is
“an act committed by any person who, knowingly and with intent to defraud, presents, causes to be presented or prepares with knowledge or belief that it will be presented to or by an insurer, purported insurer, broker or any agent thereof, any written statement as part of, or in support of, an application for the issuance of, or the rating of[,] an insurance policy for personal or commercial insurance, or a claim for payment or other benefit pursuant to an insurance policy for commercial or personal insurance which such person knows to contain materially false information

concerning any fact material thereto; or conceals, for the purpose of misleading, information concerning any fact material thereto.” K.S.A. 2011 Supp. 40-2,118(a).

14. A fraudulent insurance act is a crime defined in chapter 40 of the Kansas Statutes Annotated. See K.S.A. 2011 Supp. 40-2,118(e).

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).

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 that Respondent’s license may be revoked pursuant to K.S.A. 40-4909(a)(8) because Respondent has used a fraudulent, coercive, or dishonest practice by falsely representing that he was currently married to his ex-wife for purposes of obtaining health insurance under his employer’s group plan.

18. The Commissioner further finds based on the same conduct that Respondent’s license may be revoked pursuant to K.S.A. 40-4909(2)(A) for having committed a fraudulent insurance act in violation of K.S.A. 40-2,118(a).

19. The Commissioner finds that Respondent’s license may be revoked pursuant to K.S.A. 40-4909(a)(2)(C) because Respondent has violated the insurance laws or regulations of Indiana, Vermont, and South Dakota.

20. The Commissioner also finds that Respondent’s license may be revoked pursuant to K.S.A. 40-4909(a)(9) because Respondent has had an insurance agent license, or its equivalent, revoked or denied in Kentucky, Virginia, and Wisconsin.

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 **JASON N. LEIGH** is hereby **REVOKED**. **It is further ordered**, that **JASON N. LEIGH** 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 __13th__ 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

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:

John Wine, 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

John Wine, 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 ___14th___ day of March 2013, by causing the same to be placed in the United States Mail, first class postage prepaid, addressed to the following:

Jason N. Leigh
5211 Winslow Circle
Amarillo, TX 79109-5836

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