

FINAL ORDER

EFFECTIVE: 8-16-13

BEFORE THE COMMISSIONER OF INSURANCE OF THE STATE OF KANSAS

In the Matter of the Kansas Nonresident
Insurance Agent's License of
JORGE SOTO
NPN #15895388

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Docket No. 4575-SO

FINAL ORDER

On August 1, 2013, a formal hearing was held in the above-captioned matter. Jorge Soto ("Respondent") appeared pro se via telephone. The Kansas Insurance Department appeared by and through Brenda J. Clary, Staff Attorney. Evidence and testimony presented at the formal hearing is hereby incorporated into the record in its entirety by reference.

Findings of Fact

1. On April 24, 2013, the Kansas Insurance Department ("KID") issued a Summary Order against Respondent's Kansas Nonresident Agent's License.
2. Respondent is a resident agent of the State of Illinois. Respondent's mailing address of record is listed as 840 S. Frontage Road, Woodridge, IL 60517-4900.
3. Respondent applied for and was granted a Kansas nonresident insurance agent license on February 21, 2012.
4. Question 1 under Item 37 of the Uniform Application for Individual Producer License/Registration ("Application") asks, "Have you ever been convicted of a crime, had a judgment withheld or deferred, or are you currently charged with committing a crime?"
5. The Application and Respondent's testimony at formal hearing indicate that he responded "no" to Question 1.
6. Allstate Insurance Company ("Allstate") later reported to KID that Respondent had omitted a criminal conviction from the application.
7. Respondent was convicted in January 2007 of battery and assault of a police officer and placed on supervised probation for one year.

8. KID afforded Respondent the opportunity to dispute the facts surrounding the conviction within fifteen (15) days in a March 27, 2013 letter to which Respondent did not respond.

Applicable Law

The law applicable to this matter states in pertinent part:

1. K.S.A. 40-4909(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:
 - (1) Provided incorrect, misleading, incomplete or untrue information in the license application...
 - (2) Obtained or attempted to obtain a license under this act through misrepresentation or fraud...[or]
 - (6) Been convicted of a misdemeanor or felony.”

Policy Reasons

The Commissioner finds it is the public policy of the Kansas Insurance Department to protect the public health, safety and welfare of Kansas citizens in the business of insurance by ensuring compliance with all applicable insurance laws.

Conclusions of Law

1. Respondent’s submission of incorrect and untrue information in response to Question 1 of the Application constitutes a violation of K.S.A. 40-4909(a)(1).
2. Respondent obtaining a Kansas nonresident insurance agent’s license under this act through misrepresentation constitutes a violation of K.S.A. 40-4909(a)(3).
3. Respondent’s conviction of a misdemeanor in connection with the assault and battery of a police officer in January 2007 constitutes a violation of K.S.A. 40-4909(a)(6)

For the above-stated reasons, the Respondent’s Kansas Nonresident Insurance Agent’s License is hereby **REVOKED**.

IT IS SO ORDERED THIS 16th DAY OF August, 2013, IN THE CITY OF TOPEKA, COUNTY OF SHAWNEE, STATE OF KANSAS.



/s/ Zachary J.C. Anshutz
Zachary J.C. Anshutz
Assistant Commissioner
Hearing Officer

Notice of Rights

Pursuant to K.S.A. 77-601 *et seq.*, Respondent is entitled to judicial review of this Final Order. The petition for judicial review must be filed within thirty (30) days of service of this Final Order (plus three [3] days for service by mail pursuant to K.S.A. 77-531). 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 R. Wine, General Counsel
Kansas Insurance Department
420 SW 9th Street
Topeka, KS 66612

/s/ Jana L. Beethe
Jana Beethe
Legal Assistant

Certificate of Service

The undersigned hereby certifies she served a true and correct copy of the above and foregoing **FINAL ORDER** on this __16th__ day of ____August____, 2013, by causing the same to be deposited in the United States Mail, first class postage prepaid, addressed to the following:

Jorge Soto
840 S. Frontage Road
Woodridge, IL 60517-4900

And hand-delivered to the following:

Brenda Clary
Staff Attorney
Kansas Insurance Department
420 S.W. 9th Street
Topeka, KS 66612-1678

_/s/ Jana L. Beethe _____
Jana Beethe
Legal Assistant