

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

In the Matter of the Kansas Nonresident)
Insurance Agent's License of)
CARRIE A. SNYDER-ANDERSON,) Docket No. **4645--SO**
NPN 7537599.)

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 nonresident insurance agent's license of Carrie A. Snyder-Anderson ("Respondent") by way of Summary Order as provided by K.S.A. 77-537.

Findings of Fact

1. 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 Respondent.
2. Following investigation, the Commissioner finds evidence sufficient to support the following facts:
3. Respondent was licensed as a Kansas nonresident insurance agent from March 20, 2003, until the license was cancelled at Respondent's request on February 9, 2006.
4. Respondent was again granted a Kansas nonresident insurance agent license on May 15, 2009, and has been continuously so licensed.
5. Respondent's legal and mailing address of record is 11 Overpeck Lane, Pinehurst, NC 28374-9645.
6. Although Respondent has never held an active company appointment for Kansas, she has communicated name and address changes to KID on multiple occasions while licensed as a Kansas agent, demonstrating awareness of her obligation to report changes in her status.

7. On December 14, 2012, Respondent posted notice of criminal charges pending against her to the National Insurance Producer Registry (“NIPR”) attachment warehouse, and KID received notice of the charges through NIPR.
8. The posted summons reflects that Respondent was charged in Maricopa County, Arizona, Superior Court case number CR2012-009530 with Theft, a class 3 felony (i.e., theft of property or services with a value of four thousand dollars or more but less than twenty-five thousand dollars), and her statement asserts that the charge resulted from “an accounting error regarding Social Security disability income” she handled for her mother during 2010 and 2011.
9. As of February 21, 2014, Respondent had provided no further information regarding the case through the NIPR attachment warehouse.
10. Maricopa County Superior Court records reflect that on July 26, 2013, pursuant to a plea agreement, Respondent entered a plea of guilty to a reduced charge, theft of property or services with a value of one thousand dollars or more but less than two thousand dollars, a class 6 designated felony.
11. Maricopa County Superior Court records reflect that on August 13, 2013, the Court suspended imposition or execution of the sentence and placed Respondent on reporting probation for three years beginning August 30, 2013.
12. In addition to other conditions of probation, Respondent will be required to serve 60 days in jail, complete 100 hours of community restitution, and pay restitution of \$19,453.63.
13. Respondent did not report the conviction to KID within 30 days and has not reported it to date.
14. According to the NAIC producer licensing database, Respondent’s California insurance producer license was revoked for criminal history effective December 6, 2013, and her Kentucky producer license was revoked for failure to respond on March 4, 2013.
15. Respondent did not report either action to KID within 30 days as required by K.A.R. §40-7-9(a) and has not reported either to date.

16. By letter of February 26, 2014, addressed to Respondent at her mailing addresses of record, counsel for KID invited Respondent to reply in writing by March 12, 2014, if she disputed the foregoing facts.

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

Applicable Law

18. K.S.A. 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; . . .

(6) Been convicted of a misdemeanor or felony. . .

(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. 2013 Supp. 40-4909(a).”

19. “[O]nce the statutory procedure has been complied with and the plea of guilty or nolo contendere has been accepted and a finding of guilty entered thereon, the defendant stands convicted of the offense unless the court thereafter sets aside the finding of guilty and permits the defendant to withdraw his plea of guilty or nolo contendere.” *State v. Holmes*, 222 Kan. 212, 214, 563 P.2d 480 (1977).

20. K.A.R. §40-7-9(a) requires a licensee to report to the Commissioner within 30 days any disciplinary action by the insurance regulatory authority of another state against the licensee’s insurance producer license.

21. K.A.R. §40-7-9(d) requires a licensee to report a criminal conviction to the Commissioner within 30 days.

22. 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. 2013 Supp. 40-4909(b).

23. “Any action taken under this section which affects any license or imposes any administrative penalty shall be taken only after notice and an opportunity for hearing conducted in accordance with the provisions of the Kansas administrative procedures act.” K.S.A. 2013 Supp. 40-4909(c).

24. “Whenever the commissioner imposes any administrative penalty or denies, suspends, revokes or refuses renewal of any license pursuant to subsection (a), any costs incurred as a result of conducting an administrative hearing authorized under the provisions of this section shall be assessed against the person who is the subject of the hearing or any business entity represented by such person who is the party to the matters giving rise to the hearing.” K.S.A. 2013 Supp. 40-4909(f).

Conclusions of Law

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

26. The Commissioner finds that a deferred adjudication, including suspended imposition or execution of sentence, following a guilty plea is a conviction unless and until the finding of guilt is set aside.

27. The Commissioner finds that Respondent’s license may be revoked pursuant to K.S.A. 2013 Supp. 40-4909(a)(6) because Respondent has been convicted of a felony.

28. Moreover, the Commissioner finds that conviction of theft involving misappropriation of funds held or managed for the benefit of another is particularly relevant and material to Respondent’s fitness to hold a license.

29. The Commissioner finds that the conduct giving rise to the conviction constitutes a fraudulent, coercive, or dishonest practice; thus, Respondent’s license may also be revoked pursuant to K.S.A. 40-4909(a)(8).

30. The Commissioner further finds 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(d) by failing to report the conviction to the Commissioner within 30 days.

31. The Commissioner also finds that Respondent’s license may be revoked pursuant to K.S.A. 40-4909(a)(9) because Respondent’s insurance producer licenses have been revoked by the insurance regulatory authorities in California and Kentucky.

32. The Commissioner finds that Respondent's license may also be revoked pursuant to K.S.A. 40-4909(a)(2)(A) because Respondent has failed to report revocations of her California and Kentucky insurance producer licenses.

33. The Commissioner thus finds that sufficient grounds exist for the revocation of Respondent's insurance agent license pursuant to K.S.A. 2012 Supp. 40-4909(a).

34. Finally, the Commissioner finds that Respondent's license may be revoked pursuant to K.S.A. 2012 Supp. 40-4909(b) because Respondent's license is not serving the interests of insurers or the insurable interests of the public.

35. 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

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.

THE COMMISSIONER OF INSURANCE THEREFORE ORDERS that the Kansas nonresident insurance agent's license of **CARRIE A. SNYDER-ANDERSON** is hereby **REVOKED** and **CARRIE A. SNYDER-ANDERSON** 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 2014, 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 13th day of March 2014 by causing the same to be placed in the United States Mail, first class postage prepaid, addressed to the following:

Carrie A. Snyder-Anderson
11 Overpeck Lane
Pinehurst, NC 28374-9645

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