



8. Respondent obtained Ms. H-C.'s account information in the course of arranging electronic payments of insurance premium.
9. When questioned by police, Respondent admitted the transfers.
10. In addition to the stipulated facts, the Commissioner notes that Respondent denies any other criminal history and finds no evidence suggests that Respondent has engaged in similar conduct in the past.

### **Applicable Law**

11. 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: . . .

  - (4) Improperly withheld, misappropriated or converted any moneys or properties received in the course of doing insurance business. . . .
  - (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.” K.S.A. 2014 Supp. 40-4909(a).
12. 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. 2014 Supp. 40-4909(b).
13. A business entity licensed as an insurance agency must identify a Kansas “licensed agent who shall be responsible for the business entity’s compliance with the insurance laws of this state.” K.S.A. 2014 Supp. 40-4905(c).
14. A person whose license has been revoked or suspended may not be employed directly or indirectly by an insurance company and “may not perform any act toward the solicitation of or transaction of” insurance business in Kansas. K.S.A. 2014 Supp. 40-4909(g).
15. The Assistant Commissioner of Insurance acting on behalf of the Commissioner of Insurance as the agency head as provided in K.S.A. 77-547 is empowered to render a Final Order.

### **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 from the undisputed facts that action, up to and including revocation, may be taken against Respondent’s license pursuant to K.S.A. 40-4909(a)(4) because Respondent misused bank account information he received in the course of doing insurance business to misappropriate funds from the consumer’s account.
18. The Commissioner finds from the same facts that action, up to and including revocation, may be taken against Respondent’s license pursuant to K.S.A. 40-4909(a)(8).

19. The Commissioner finds that the agency license may not remain active if Respondent is not licensed because Respondent is the agency's responsible producer and only affiliated agent; thus, Respondent's acts are indistinguishable from acts of Respondent Agency.

**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) and K.S.A. 40-4906. 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. K.S.A. 40-4909(b). Thus, the Commissioner is charged 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 following action is appropriate to promote the security and integrity of the insurance business and protect insurance consumers.

**THE COMMISSIONER OF INSURANCE THEREFORE ORDERS the following:**

1. The Kansas resident insurance agent's license of **WENDELL C. AGEE** is hereby **SUSPENDED effective May 4, 2015**.
2. Any future application for reinstatement of the license shall be considered in light of circumstances then existing;
3. From the effective date of this order, unless and until the suspension is terminated and the license is reinstated, **WENDELL C. AGEE** 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; and
4. The Kansas resident insurance agency license of **Missouri Insurance Agency, LLC**, is hereby **CANCELLED** for failure to meet minimum requirements for an entity license.

**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 1st DAY OF MAY, 2015, IN THE CITY OF TOPEKA,  
COUNTY OF SHAWNEE, STATE OF KANSAS.



\_\_\_\_\_/s/ John Wine\_\_\_\_\_  
John Wine  
Assistant Commissioner  
As Agency Head

**NOTICE OF RIGHTS TO HEARING AND REVIEW**

This Final Order constitutes final agency action and Respondent is entitled to seek judicial review within 30 days after service of this Final Order. 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

Diane Minear, Interim General Counsel  
Kansas Insurance Department  
420 S.W. 9<sup>th</sup> 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 1st day of May, 2015, by causing the same to be placed in the United States Mail, first class postage prepaid, addressed to the following:

Wendell C. Agee  
10217 W. 92<sup>nd</sup> Pl.  
Overland Park, KS 66202

And

Missouri Insurance Agency, LLC  
7930 State Line Road, Suite 206  
Prairie Village, KS 66208

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