

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

**In the Matter of** )  
**The Kansas Nonresident** )  
**Insurance Agent's License of** ) **Docket No. 4775--CO**  
**LARISSA D. AMARAL,** )  
**NPN 2297236.** )

**CONSENT AGREEMENT AND FINAL ORDER**

Pursuant to the authority granted to the Commissioner of Insurance ("Commissioner") by K.S.A. 40-103 and in accordance with K.S.A. 40-4901 *et seq.*, the Commissioner hereby accepts the stipulations of the parties and accepts surrender of the license of Respondent Larissa D. Amaral. This Consent Agreement shall become effective as a Final Order, without further notice when signed by the Commissioner or his designee and filed of record with the Kansas Insurance Department ("KID").

**Findings of Fact**

1. Respondent has been continuously licensed as a Kansas nonresident insurance agent since May 14, 2014.
2. Respondent's current legal address is in Scituate, Massachusetts, and her mailing address is 2 Winslow Avenue, Scituate, MA 02066-2324.
3. Respondent was appointed as an agent for Humana Health Plan, Inc., and Humana Insurance Company from August 13, 2014, until April 30, 2015.
4. Respondent's appointment was terminated after Humana determined that Respondent had submitted forty three requests to change the agent of record on insurance policies without the explicit authorization of the insureds.
5. According to Humana's report, Respondent acknowledged that she submitted the requests after she changed agencies in order to receive commission on business she originally sold.
6. The parties mutually desire to resolve any potential action against Respondent's Kansas nonresident insurance agent license.

7. Respondent neither admits nor denies the allegations and findings in Humana's report but stipulates that KID records contain sufficient evidence of misconduct to warrant initiation of action against her license.
8. Respondent understands her right to have a hearing on the facts and disposition.
9. In lieu of a hearing and uncertain disposition, Respondent agrees to surrender her license.
10. Respondent acknowledges that the Commissioner's order must be reported to a database accessible to insurance companies and other regulators and will be an open record accessible to the public and posted on KID's website, and Respondent may be required to report it to other states in which she holds a license.
11. Respondent waives hearing and any available administrative and judicial review of the Commissioner's order.

#### **Applicable Law**

12. 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 . . .

(7) Admitted to or been found to have committed any insurance unfair trade practice or fraud in violation of K.S.A. 40-2404, and amendments thereto.” K.S.A. 2014 Supp. 40-4909(a).
13. “Making false or fraudulent statements or representations on or relative to an application for an insurance policy, for the purpose of obtaining a fee, commission, money or other benefit from any insurer, agent, broker or individual” is an unfair insurance trade practice in violation of K.S.A. 40-2404(11).

#### **Conclusions of Law**

14. The Commissioner has jurisdiction over Respondent as well as the subject matter of this proceeding, and such proceeding is held in the public interest.
15. The Commissioner finds the allegations that Respondent made false representations relative to insurance applications are sufficient grounds for action pursuant to K.S.A. 40-4909(a)(7) because such conduct would violate K.S.A. 40-2404(11).

16. The Commissioner concludes that the proposed remedy would adequately protect the interests of the insurer and the insurable interests of the public in Kansas.

**Stipulation**

The undersigned stipulates and agrees to the above findings fact and conclusions of law and waives his rights to administrative hearing and judicial review of the Commissioner's Order.

\_/s/ Larissa Amaral\_\_ \_31August2015\_  
Larissa D. Amaral                      Date  
Respondent

Prepared by:

\_/s/ Brenda J. Clary\_\_\_\_\_   
Brenda J. Clary  
Staff Attorney, KID

**ORDER**

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. K.S.A. 40-4909(b). Thus, the Commissioner is charged with safeguarding the security and integrity of the insurance business and protecting 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 following action is both necessary and sufficient to serve that purpose.

**IT IS THEREFORE ORDERED BY THE COMMISSIONER OF INSURANCE that**

- 1. Surrender of Respondent's license is hereby accepted;**
- 2. Respondent's Kansas resident insurance agent's license shall be cancelled effective this date;**

3. Respondent shall not sell, solicit, or negotiate any insurance business in Kansas or on Kansas risks unless and until duly licensed as a Kansas agent;
4. This Order shall take effect when signed by all parties and the Commissioner or the Commissioner's designee and filed of record with the Kansas Insurance Department.

IT IS SO ORDERED THIS \_\_8th\_\_ DAY OF SEPTEMBER 2015, IN THE CITY OF TOPEKA, COUNTY OF SHAWNEE, STATE OF KANSAS.



\_\_\_\_\_  
/s/ Ken Selzer  
Ken Selzer, CPA  
Commissioner of Insurance

BY:

\_\_\_\_\_  
/s/ Diane Minear  
Diane Minear  
General Counsel

**NOTICE:** In the event Respondent files a petition for judicial review, it must be filed within 30 days of service of this order, and pursuant to K.S.A. 77-613(e), the agency officer to be served on behalf of the Kansas Insurance Department is:

Diane Minear, 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 **Consent Order** and accompanying **Notice** on this \_\_8th\_\_ day of September 2015 by causing the same to be placed in the United States Mail, first class postage prepaid, addressed to the following:

Larissa D. Amaral  
2 Winslow Ave.  
Scituate, MA 02066-2324

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