

**BEFORE THE COMMISSISONER OF INSURANCE
OF THE STATE OF KANSAS**

In the Matter of)	
CRYSTAL M. BOUCHER,)	Docket No.: 4738-SO
NPN 17254531,)	
Respondent.)	

SUMMARY ORDER to
CEASE AND DESIST
(Pursuant to K.S.A. 77-537)

Pursuant to the authority granted to the Commissioner of Insurance (“Commissioner”) by K.S.A. 40-4905 and 40-4909, the Commissioner hereby **ORDERS** that Respondent **CRYSTAL M. BOUCHER** (“Respondent”) individually or through any insurance agency, marketing organization, and/or any and all related entities, to **CEASE AND DESIST** from selling, soliciting, or negotiating insurance business in the state of Kansas or with respect to Kansas risks.

Findings of Fact

1. Ken Selzer, CPA, is the duly elected, qualified, and acting Commissioner of Insurance for the State of Kansas.
2. Respondent is a resident of Kansas.
3. Respondent has identified her legal and mailing address as 4413 Freedom Creek Drive, Lawrence, KS 66049.
4. From sometime prior to April 2014 until early February 2015, Respondent was employed by a Kansas insurance agent, first as an unlicensed customer service representative, and later, beginning in May 2014, acting as an insurance agent in the sale, solicitation, and negotiation of insurance business.
5. Respondent is not now and never has been licensed to sell, solicit, and negotiate insurance business in Kansas.
6. On or about February 12, 2014, an insurance company attempted unsuccessfully to verify Respondent’s license with Kansas Insurance Department (“KID”) records and contacted KID.
7. Based on the company’s report, KID records, and additional KID investigation, including interviews of Respondent and company representatives, it appears that Respondent took and

failed the licensing examination on April 28, 2014, subsequently falsified a passing score report dated May 12, 2014, and a Kansas license certificate and presented them to her employer, and thereafter engaged on behalf of her employer in the sale, solicitation, and negotiation of insurance business.

Applicable Law

8. The Commissioner is “charged with the administration of all laws relating to insurance, insurance companies and fraternal benefit societies doing business in this state, and all other duties which are or may be imposed upon such officer by law.” K.S.A. 40-102.

9. Subject to certain exceptions not relevant here, “it shall be unlawful for any person to sell, solicit or negotiate any insurance within this state unless such person has been issued a license as an insurance agent in accordance with this act.” K.S.A. 40-4905(a).

10. 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; . . .

(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. . . .

(10) Forged another person's name to an application for insurance or to any document related to an insurance transaction.” K.S.A. 2010 Supp. 40-4909(a).

Conclusions of Law

12. Respondents’ conduct involves the business of insurance and violations of the law and regulations governing the business of insurance.

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

14. The Commissioner finds based on the company’s reports, KID records, and additional KID investigation, that Respondent has violated K.S.A. 40-4905(a) by engaging in the sale, solicitation, and negotiation of insurance business without having qualified for and been granted a license.

15. Further, the Commissioner finds, by a preponderance of the evidence presently before the Commissioner, that Respondent knowingly and falsely held herself out as a person licensed to sell, solicit, and negotiate insurance business in Kansas.

16. The Commissioner finds, by a preponderance of the evidence presently before the Commissioner, that Respondent falsely created and/or presented to her employer both an examination score report and an insurance agent license certificate with the intent to defraud.

17. The Commissioner thus concludes that Respondent, should she apply for a license, could and should be denied a license pursuant to K.S.A. 40-4909(a)(2)(A) because she has violated K.S.A. 40-4905(a), pursuant to K.S.A. 40-4909(a)(8) because she has engaged in fraudulent and dishonest conduct, and pursuant to K.S.A. 40-4909(a)(10) because she has forged the Commissioner's name to a document related to insurance transactions in the state of Kansas.

18. 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.

19. 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 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 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.

20. The following action is both necessary and sufficient to serve that purpose.

IT IS THEREFORE ORDERED BY THE COMMISSIONER OF INSURANCE THAT

- 1. CRYSTAL M. BOUCHER shall CEASE AND DESIST from representing herself as a Kansas licensed insurance agent, and**
- 2. CRYSTAL M. BOUCHER shall CEASE AND DESIST from any activity related to the sale, solicitation, or negotiation of insurance in Kansas or with respect to any Kansas risk unless and until duly licensed as an insurance agent.**

IT IS SO ORDERED THIS 26th DAY OF FEBRUARY 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
Interim 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:

Diane Minear, Interim 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

Diane Minear, Interim 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 26th day of February 2015 by causing the same to be placed in the United States Mail, first class postage prepaid, addressed to the following:

CRYSTAL M. BOUCHER
4413 Freedom Creek Drive
Lawrence, KS 66049
Respondent

_s/ Brenda J. Clary _____
Brenda J. Clary
Staff Attorney