

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

In the Matter of the Kansas Nonresident )  
Insurance Agent’s License of )  
**JASON GREGORY CHRISTMAS,** ) Docket No. **4730--SO**  
NPN 16088789. )

**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 Kansas nonresident insurance agent’s license of JASON GREGORY CHRISTMAS (“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 originally applied for a license as a Kansas nonresident insurance agent on October 18, 2012, and the license was granted on that same date with a health insurance line of authority.
4. Respondent denied criminal history on the original application and has not since reported a criminal conviction.
5. On September 29, 2014, through an authorized submitter, Respondent submitted an electronic application for a license with a life insurance line of authority.
6. Question 1a under Item 38 of the application asks, “Have you ever been convicted of a misdemeanor, had a judgment withheld or deferred, or are you currently charged with committing a misdemeanor?”
7. Respondent answered “Yes.”

8. For each “Yes” answer, the application requires the applicant to provide a statement explaining the circumstances of the offense and copies of the charging document and official document demonstrating resolution of the charges.
9. By email transmitted on September 29, 2014, to both his individual email address and his business email address, KID staff requested Respondent provide the additional materials required by the application.
10. By email transmitted to both addresses on October 28, 2014, KID staff again inquired about the documentation.
11. Respondent’s legal and mailing address of record is 1640 E. Woodward Heights Blvd., Apt. C1, Hazel Park, MI 48030-1649, and Respondent’s current application reflects the same residence and mailing address.
12. KID staff contacted Respondent by telephone on December 2, 2014, and he stated that he would fax the documentation.
13. To date, KID has not received the additional information required by the application.
14. By letter dated December 22, 2014, and mailed to Respondent at his address of record, counsel for KID summarized the foregoing facts and invited Respondent to reply if he disputed the statements of fact.
15. The letter was returned as undeliverable.
16. Respondent did not notify KID of a change of address within 30 days and has not notified KID of a change of address to date.

**Applicable Law**

17. 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:
  - (1) Provided incorrect, misleading, incomplete or untrue information in the license application.
  - (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. . . [and/or]
    - (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. 2013 Supp. 40-4909(a).

18. “Each person licensed in this state as an insurance agent shall report the following to the commissioner of insurance within 30 days of occurrence: (d) all details of any conviction of a misdemeanor or felony. . . . (f) each change in residence address.” K.A.R. §40-7-9.

19. 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).

20. 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. 2013 Supp. 40-4909(g).

21. “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).

### **Conclusions of Law**

22. The Commissioner concludes that service of Respondent at Respondent’s address of record provides constructive notice of the proposed action, and Respondent’s failure to maintain a current address in KID records acts as a waiver of his right to actual notice.

23. 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.

24. The Commissioner finds that Respondent’s current application may be denied pursuant to K.S.A. 40-4909(a)(1) because Respondent has failed to provide information required by the application.

25. The Commissioner finds that Respondent’s existing license may be revoked pursuant to K.S.A. 40-4909(a)(2)(A) because Respondent violated K.A.R. §40-7-9(f) by failing to report a change of address within 30 days.

26. The Commissioner finds that Respondent's "yes" answer, failure to provide the details of his criminal history, and the passage of time since the application lead to a reasonable inference that Respondent has a material misdemeanor conviction, and thus concludes Respondent's license may be revoked pursuant to K.S.A. 40-4909(a)(6).

27. The Commissioner finds Respondent's license may be revoked pursuant to K.S.A. 40-4909(a)(8) because Respondent has demonstrated a lack of trustworthiness in business by promising but failing repeatedly to supply information necessary to complete his application.

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

29. 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 **JASON GREGORY CHRISTMAS** is hereby **REVOKED**, and **JASON GREGORY CHRISTMAS** 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   26th   DAY OF JANUARY 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. 9<sup>th</sup> 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. 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   26th   day of January 2015 by causing the same to be placed in the United States Mail, first class postage prepaid, addressed to the following:

Jason Gregory Christmas  
1640 E. Woodward Heights Blvd.  
Hazel Park, MI 48030-1649

\_/\_s/ Brenda J. Clary\_\_\_\_\_

Brenda J. Clary  
Staff Attorney