

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

In the Matter of the Kansas Resident)
Insurance Agent’s License of)
DANIEL O. JACKSON,) Docket No. **4748--SO**
NPN 6122892.)

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 resident insurance agent’s license of Daniel O. Jackson (“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 resident insurance agent on September 26, 2011, and has been continuously so licensed to date.
4. Respondent’s legal address is in Topeka, Kansas, and his mailing address of record is PO Box 91, Topeka, KS 66601-0091.
5. A consumer, S.C., filed a complaint with KID alleging that Respondent misrepresented a Protective Life Insurance Company universal life insurance policy as a whole life policy.
6. By letter of December 16, 2014, a KID consumer assistance representative mailed a copy of the complaint to Respondent at his mailing address of record and asked for a response within fifteen days.
7. The representative also mailed an inquiry to the company.
8. Respondent did not reply, but the company replied and included a statement from the agent of record as well as copies of communications regarding the policy.

9. The agent of record stated that Respondent actually sold the policy, but he submitted it and became agent of record because Respondent was unable to get a contract with Protective Life.
10. When Respondent had not replied by January 7, 2015, the representative sent another letter, with additional questions, to his mailing address of record
11. When Respondent had not replied by February 17, 2015, the representative mailed a third letter to his residential address.
12. To date, Respondent has not replied, and the letters have not been returned.
13. Email communications included in the response by Protective Life indicate that Respondent could not get a contract because he has a felony conviction and the company needed some acknowledgement from KID that KID was aware of the conviction.
14. KID has no record of a conviction.
15. Respondent's September 26, 2011, application denies Respondent had ever been convicted of a misdemeanor or felony, and Respondent has not since reported a conviction.
16. By letter dated March 19, 2015, 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.
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: . . .
 - (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; . . .
 - (3) Obtained or attempted to obtain a license under this act through misrepresentation or fraud (6) Been convicted of a misdemeanor or felony. . . .

- (5) Intentionally misrepresented the provisions, terms and conditions of an actual or proposed insurance contract or application for insurance. . . .
- (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).

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. 2014 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. 2014 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. 2014 Supp. 40-4909(c).

Conclusions of Law

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

23. The Commissioner finds from the undisputed facts that Respondent has a felony conviction that has never been disclosed to KID; thus, the Commissioner concludes that Respondent’s license may be revoked pursuant to K.S.A. 40-4909(a)(6).

24. In addition, if charges were pending or the conviction existed at the time of Respondent’s application, Respondent’s license may be revoked pursuant to K.S.A. 40-4909(a)(1) and (a)(3).

25. Alternatively, if Respondent was charged and convicted after he submitted his application for a license, he was required by K.A.R. §40-7-9(a) to report the conviction to KID within 30 days and has not done so, and thus his license may be revoked pursuant to K.S.A. 40-4909(a)(2)(A).

26. The Commissioner finds from the undisputed allegations of the consumer's complaint that Respondent's license may be revoked pursuant to K.S.A. 40-4909(a)(5) because Respondent intentionally misrepresented the provisions, terms and conditions of a proposed insurance contract.

27. The Commissioner finds that Respondent's license may be revoked pursuant to K.S.A. 40-4909(a)(8) because Respondent has demonstrated a lack of trustworthiness by failing repeatedly to respond to inquiries from KID's consumer assistance division.

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) 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 that the Kansas nonresident insurance agent's license of **DANIEL O. JACKSON** is hereby **REVOKED**, and **DANIEL O. JACKSON** 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 SO ORDERED THIS ___9th___ DAY OF APRIL 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 9th day of April 2015 by causing the same to be placed in the United States Mail, first class postage prepaid, addressed to the following:

Daniel Oliver Jackson
PO Box 91
Topeka, KS 66601-0091

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