

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

In the Matter of the Application for)
Kansas Resident Insurance Agent's License of)
MARCUS B. PITTS,) Docket No. **4670--RA**
NPN 14645720.)

FINAL ORDER
(Pursuant to K.S.A. 40-4909 and K.S.A. 77-501 *et seq.*)

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 Marcus B. Pitts ("Respondent").

Findings of Fact

1. Following investigation, the Commissioner finds evidence sufficient to support the following facts:
2. Respondent is a resident of Sterling, Kansas, and may be served by mail at 429 N. Broadway Ave., Sterling, KS 67579-1711.
3. On May 6, 2015, Respondent submitted his application for a Kansas resident insurance agent's license.
4. The Kansas Insurance Department ("KID") initially determined that Respondent's application should be denied because the application failed to disclose a 2006 conviction of two counts of misdemeanor theft and because of the convictions.
5. However, Respondent requested and received time to provide additional information.
6. Based on Respondent's written and oral statements to KID staff, age at the time of the offenses, apparent lack of subsequent criminal history, and explanation of the circumstances of the offense, Respondent was granted a conditional Kansas resident insurance agent license on June 15, 2015, pursuant to a consent agreement.
7. Paragraph 14 of the consent agreement provides, "Applicant acknowledges that any misrepresentation or material omission in the application and supporting documents, or a new offense, would constitute grounds for immediate suspension or revocation of the conditional license."
8. On June 17, 2015, Respondent's supervising agent notified KID that, after the charges appeared in the local newspaper, Respondent disclosed that he had been charged with having committed two offenses in March 2015, misdemeanor theft and distribution of a pharmaceutical drug, an unclassified misdemeanor.

9. Respondent's proposed supervisor notified KID that, in light of the new charges and Respondent's failure to disclose them before they appeared in the newspaper, he was withdrawing his agreement to employ and supervise Respondent.

10. Consequently, Respondent is not working under the supervision of an approved Kansas licensed agent and, thus, is not in compliance with the conditions of the agreement and order.

Applicable Law

11. K.S.A. 40-4909 provides, "No person whose license as an agent or broker had been suspended or revoked shall be employed by any insurance company doing business in this state either directly, indirectly, as an independent contractor or otherwise to negotiate or effect contracts of insurance, suretyship or indemnity or perform any act toward the solicitation of or transaction of any business of insurance during the period of such suspension or revocation." K.S.A. 2014 Supp. 40-4909(g).

Conclusions of Law

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

13. The Commissioner finds that Respondent's application for a license could have been denied based on the facts and law set out in the consent agreement.

14. The license was granted in reliance upon Respondent's written and oral statements to KID staff and subject to the conditions memorialized in the agreement between Respondent and KID and/or specified in the Commissioner's order.

15. Respondent has consented to be subject to the terms of the agreement and order and, thus, has waived his right to hearing prior to action revoking or suspending his license as provided in the Consent Order.

16. Based on Respondent's false statements during the application process and new criminal charges, Respondent's license may be immediately revoked as provided in paragraph 14 of the agreement and quoted in paragraph 8 above.

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 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. 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.

ORDER

IT IS THEREFORE ORDERED BY THE COMMISSIONER OF INSURANCE THAT the Kansas resident insurance agent license to **MARCUS B. PITTS** is hereby **REVOKED**, and **MARCUS B. PITTS** 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 __18th__ DAY OF JUNE 2015, IN THE CITY OF TOPEKA, COUNTY OF SHAWNEE, STATE OF KANSAS.



_____/s/ Ken Selzer_____
Ken Selzer, CPA
Commissioner of Insurance

BY:

_____/s/ John Wine_____
John Wine
Assistant Commissioner

NOTICE REGARDING HEARING AND REVIEW

In the event Respondent files a request for hearing or 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, 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 **Final Order** and accompanying **Notice** on this 18th day of June 2015 by causing the same to be placed in the United States Mail, first class postage prepaid, addressed to the following:

Marcus B. Pitts
429 N. Broadway Ave.
Sterling, KS 67579-1711

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