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COMMISSIONER OF INSURANCE

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

In the Matter of the Kansas Nonresident)
Insurance Agent's License of)
JONI C. CARRERA,) Docket No. 4937-SO
NPN 9591897)

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 Respondent Joni C. Carrera ("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 granted a Kansas nonresident insurance agent license on August 27, 2007, and has remained so licensed to date.
4. Respondent's legal and mailing address of record is 8909 SE 1st Street, Lees Summit, MO 64064-7956
5. Respondent was appointed as an agent for Farmers Insurance Exchange, Farmers Insurance Company Inc., Foremost Insurance Company, and Bristol West Insurance Company until those appointments were terminated for cause on or about August 11, 2016.
6. According to a mandatory report by Farmers Insurance to KID, Respondent filed a claim with Farmers on March 14, 2016, stating that while at the gym on March 11, 2016, two rings owned by Respondent were stolen.
7. According to a Farmers investigation report, one of the rings reportedly stolen was part of a prior loss claim Respondent made with Nationwide in 2013.
8. The Nationwide claim was remarkably similar to the Farmers claim in that Respondent stated that she took the ring off while at the gym and later realized it was not in her bag.

9. Nationwide paid Respondent over \$10,000.00 to settle the claim.
10. Respondent initially told Farmers' investigators that she had never had a theft or lost jewelry claim "in the last ten (10) years," but when Respondent was presented with the Farmers investigation report, Respondent stated that she had memory loss issues due to a concussion and that is why Respondent did not remember the previous lost ring claim.
11. Respondent later withdrew the claim with Farmers.
12. By letter of October 31, 2016, counsel for KID invited Respondent to reply in writing by November 15, 2016, if she disputed the statements of fact set out above.
13. Respondent replied via email on November 8, 2016, and stated that while she did not agree with the statements of fact set out above, she had voluntarily surrendered her Kansas non-resident insurance agent's license.

Applicable Law

14. 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: . . .

(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).
15. 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).
16. "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).
- 17.

Conclusions of Law

18. The Commissioner has jurisdiction over Respondent as well as the subject matter of this proceeding, and such proceeding is held in the public interest.
19. The Commissioner finds that Respondent's license may be revoked pursuant to K.S.A. 40-4909(a)(8) because Respondent has used fraudulent and dishonest practices, as well as demonstrating untrustworthiness, by filing a knowingly false lost jewelry claim in order to defraud Farmers Insurance.

20. The Commissioner also concludes that Respondent's license may and should be revoked pursuant to K.S.A. 40-4909(b) because the license is not serving the interests of insurers or the insurable interests of the public.

21. 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 with 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 **JONI C. CARRERA** is hereby **REVOKED**, and **JONI C. CARRERA** 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 NOVEMBER 2016, IN THE CITY OF TOPEKA, COUNTY OF SHAWNEE, STATE OF KANSAS.



Ken Selzer, CPA
Commissioner of Insurance

BY:

John Wine
Assistant Commissioner

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, 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

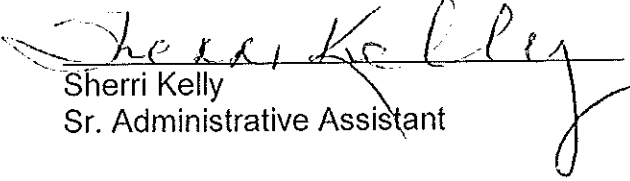
Diane Minear, General Counsel
Kansas Insurance Department
420 S.W. 9th Street
Topeka, Kansas 66612

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 18th day of November 2016 by causing the same to be placed in the United States Mail, first class postage prepaid, addressed to the following:

Joni C. Carrera

8909 SE 1st Street
Lees Summit, MO 64064-7956


Sherri Kelly
Sr. Administrative Assistant