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COMMISSIONER OF INSURANCE
STATE OF KANSAS

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

In the Matter of the Kansas Nonresident)
Insurance Agent's License of)
DAIMEN FLEMING,) Docket No. 4899--SO
NPN 17477911.)

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 **DAIMEN FLEMING** ("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 November 5, 2015, and he remains licensed to date.
4. Respondent's legal address of record is in Orlando, Florida, and Respondent's mailing address of record is 801 Maple Tree Ln., Orlando, FL 32828.
5. Respondent was appointed as an agent for UnitedHealthcare Life Insurance Company and its affiliates ("UnitedHealthcare") until his appointments were terminated on or about July 22, 2016.
6. UnitedHealthcare reported it received complaints from a consumer that she did not request or authorize the application Respondent submitted on her behalf, the company determined that electronic signatures on the consumer's application and at least six other applications originated from Respondent's IP address, and Respondent failed to provide documentation the company requested.
7. By letter of August 11, 2016, counsel for KID invited Respondent to reply in writing by August 26 if he disputed the statements of fact set out above.

8. To date, Respondent has not replied and the letter has not been returned; thus, the reported facts are deemed undisputed.

Applicable Law

9. 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: . . .

(7) Admitted to or been found to have committed any insurance unfair trade practice or fraud in violation of K.S.A. 40-2404, and amendments thereto

(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. . . . [and/or]

(10) Forged another person's name to an application for insurance or to any document related to an insurance transaction." K.S.A. 2015 Supp. 40-4909(a).

10. K.S.A. 40-2404(11) makes the following an insurance unfair trade practice: "Making false or fraudulent statements or representations on or relative to an application for an insurance policy, for the purpose of obtaining a fee, commission, money or other benefit from any insurer, agent, broker or individual."

11. "In addition, the commissioner may suspend, revoke or refuse renewal of any license issued under this 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. 2015 Supp. 40-4909(b).

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 license may be revoked pursuant to K.S.A. 40-4909(a)(7) because the UnitedHealthcare report establishes that Respondent has committed an insurance unfair trade practice by making false representations on applications for insurance in order to obtain compensation or other benefit from the insurer.

14. More specifically, the Commissioner finds that Respondent's license may be revoked pursuant to K.S.A. 40-4909(a)(10) because the false representations included the electronic forgery of consumers' names on applications for insurance.

15. The Commissioner finds that Respondent's license may be revoked pursuant to K.S.A. 40-4909(a)(8) because the same facts establish that Respondent used a fraudulent and dishonest practice and demonstrated a lack of trustworthiness.

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

17. 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 resident insurance agent's license of **DAIMEN FLEMING** is hereby **REVOKED**, and **DAIMEN FLEMING** 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 30th DAY OF AUGUST 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.

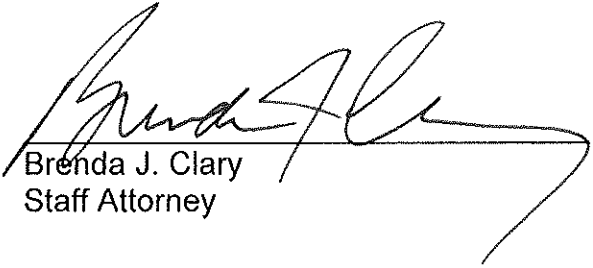
If a hearing is not requested in the time and manner stated above, this Summary Order shall become effective as a Final Order upon the expiration of time for requesting a hearing. In the event Respondent files a Petition for Judicial Review, pursuant to K.S.A. 77-613(e), the agency officer to be served 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 30th day of August 2016 by causing the same to be placed in the United States Mail, first class postage prepaid, addressed to the following:

Daimen Fleming
801 Maple Tree Ln.
Orlando, FL 32828



Brenda J. Clary
Staff Attorney