

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

In the Matter of the Kansas Nonresident)
Insurance Agent's License of)
TRENT JAMES,) Docket No. 4805--SO
NPN 17506625.)

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 Trent James ("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 April 17, 2015, and has remained so licensed to date.
4. Respondent's legal and mailing address of record is 3764 Madison Avenue, Tulsa, OK 74105.
5. Respondent submitted an electronic license application on April 17, 2015, and authorized an electronic funds transfer through NIPR in the amount of \$86.18 to pay the application fee and charge for the service.
6. The transfer was later returned unpaid by Respondent's bank.
7. NIPR made several attempts to contact Respondent without success, and Respondent did not make payment.
8. Kansas Insurance Department ("KID") staff mailed Respondent a letter about this matter on October 30, 2015, and notified Respondent that his license would be cancelled or revoked if he did not make payment to NIPR by November 20, 2015.
9. As of January 13, 2016, Respondent had not yet made payment to NIPR.

10. By letter dated January 13, 2016, and mailed to Respondent at his address of record, counsel for KID invited Respondent to reply by January 25, if he disputed any of the foregoing facts.

11. To date, Respondent has not replied; thus, the facts are deemed undisputed.

Applicable Law

12. 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: . . .

(2) Violated:

(A) Any provision of chapter 40 of the Kansas Statutes Annotated, and amendments thereto, or any rule and regulation promulgated thereunder;

. . .

(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).

13. K.S.A. 2014 Supp. 40-4906(a) provides that, unless the Commissioner denies the application pursuant to K.S.A. 40-4909(a), the Commissioner shall issue a license to a nonresident applicant if the applicant is licensed and in good standing in the applicant’s home state, has submitted the proper application and paid the required fees, and the home state awards a license to residents of this state on the same basis.

14. 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).

15. 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).

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).

Conclusions of Law

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

18. The Commissioner finds that Respondent's license may be revoked pursuant to K.S.A. 40-4909(a)(8) because Respondent has demonstrated financial irresponsibility in business by authorizing payment without sufficient funds in his account and by failing to make payment within a reasonable time after being notified of the failure of the electronic transfer.

19. Further, the Commissioner finds that Respondent's license could be cancelled because Respondent failed to satisfy the requirements of K.S.A. 40-4906(a); however, Respondent's license should be revoked pursuant to K.S.A. 40-4909(a)(8) because Respondent's subsequent failure to make payment or even respond to NIPR or KID further demonstrates untrustworthiness and financial irresponsibility in business.

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

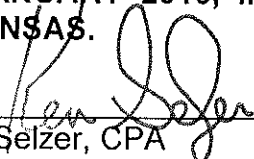
Before issuing an insurance agent license, the Commissioner must determine that the applicant is qualified and has not committed any act that would be grounds for denial, suspension, or revocation. K.S.A. 40-4905(b) and K.S.A. 40-4906. Further, the Commissioner may revoke any license issued under the 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 **TRENT JAMES** is hereby **REVOKED**, and **TRENT JAMES** 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 27th DAY OF JANUARY 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.

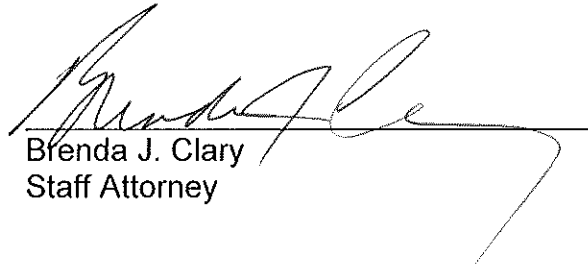
If a hearing is not requested in the time and manner stated above, this Summary Order shall become effective as a Final Order upon the expiration of time for requesting a hearing. In the event Respondent files a Petition for Judicial Review, pursuant to K.S.A. 77-613(e), the agency officer to be served 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 27th day of January 2016 by causing the same to be placed in the United States Mail, first class postage prepaid, addressed to the following:

Trent James
3764 Madison Ave.
Tulsa, OK 74105


Brenda J. Clary
Staff Attorney