

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

In the Matter of)	
The Kansas Nonresident)	
Insurance Agent's License of)	Docket No. 4791--SO
BRYAN D. ROPER,)	
NPN 3125682.)	

CONSENT AGREEMENT AND FINAL ORDER

Pursuant to the authority granted to the Commissioner of Insurance ("Commissioner") by K.S.A. 40-103 and in accordance with K.S.A. 40-4901 *et seq.*, the Commissioner hereby accepts the stipulations of the parties, accepts surrender of the license of Respondent Bryan D. Roper, and orders the license revoked. This Consent Agreement shall become effective as a Final Order, without further notice when signed by the Commissioner or his designee and filed of record with the Kansas Insurance Department ("KID").

Findings of Fact

1. Respondent has been continuously licensed as a Kansas nonresident bail bond agent since April 21, 2008.
2. Respondent's current legal and mailing address is 1110 S. Home Avenue, Apt. F, Independence, MO 64053-1755.
3. Respondent holds a Missouri resident license as a general bail bond agent.
4. On April 9, 2015, Respondent applied with the District Court of Wyandotte County, Kansas, to do business as a commercial surety/bail bondsman.
5. By local court rule, the Wyandotte County, Kansas, District Court authorizes only residents of Kansas to act as a surety for bail bonding.
6. On his application, Respondent stated, under penalty of perjury, that he was a resident of Kansas and listed as a current address a home in Kansas City, Kansas.
7. Utility bills for the residence reflect that the property was not occupied during the term of Respondent's lease and that, even assuming that Respondent maintained a bona fide residence at the address between late December 2014 and early February 2015, he no longer resided there by April 9, 2015.

8. Respondent did not notify KID of a change of residential address and has never notified KID of a change of residence to Kansas.
9. Respondent stated to an investigator from the Missouri Department of Insurance, Financial Institutions and Professional Registration that he has continuously lived at his Independence, Missouri, residential address for nine years and only rented the Kansas City, Kansas, property to obtain bail bond authority from the Wyandotte County District Court.
10. The Commissioner served a Summary Order proposing to revoke Respondent's license, and Respondent timely requested a hearing.
11. The parties mutually desire to resolve any potential action against Respondent's Kansas nonresident insurance agent license by agreement.
12. Respondent neither admits nor denies the allegations but stipulates that KID records contain sufficient evidence of misconduct to warrant initiation of action against his license.
13. Respondent is represented by counsel and acknowledges that his right to hearing on the facts and disposition has been explained to him and he understands his rights.
14. In lieu of a hearing, and with the understanding that the Commissioner retains the authority to revoke the license notwithstanding its surrender, Respondent agrees to surrender his license.
15. Respondent acknowledges that the Commissioner's order must be reported to a database accessible to insurance companies and other regulators and will be an open record accessible to the public and posted on KID's website, and Respondent may be required to report it to other states in which he holds a license.
16. Respondent waives hearing and any available administrative and judicial review of the Commissioner's order.

Applicable Law

17. 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).

17. “Any nonresident agent who is licensed in this state and who moves from one state to another state or a resident agent who moves from this state to another state shall file with the commissioner within 30 days a change of address and provide certification from the new resident state.” K.S.A. 2014 Supp. 40-4906(c)(1).

18. “Each person licensed in this state as an insurance agent shall report the following to the commissioner of insurance within 30 days of occurrence: . . . each change in residence address; . . .” K.A.R. §40-7-9(f).

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 made false or misleading representations relative to his application for authority to act as a surety for bail bonds, and those false or misleading representations are sufficient to support action against Respondent’s license pursuant to K.S.A. 40-4909(a)(8).

20. The Commissioner further finds that if Respondent actually did establish a residence in Kansas, Respondent violated K.S.A. 40-4906 and K.A.R. §40-7-9(f) by failing to report the change of address, and thus action may be taken against his license pursuant to K.S.A. 40-4909(a)(2)(A).

21. 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.

22. 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).

23. Thus, the Commissioner is charged with safeguarding the security and integrity of the insurance business and protecting 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. The following action is both necessary and sufficient to serve that purpose.

24. The Commissioner concludes that the proposed remedy would adequately protect the interests of insurers and the insurable interests of the public in Kansas.

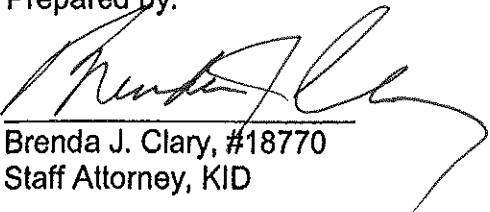
Stipulation

The undersigned stipulates and agrees to the above findings fact and conclusions of law and waives his rights to administrative hearing and judicial review of the Commissioner's Order.

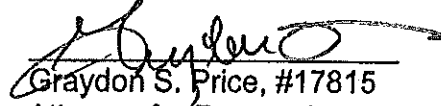

Bryan D. Roper
Respondent


Date

Prepared by:


Brenda J. Clary, #18770
Staff Attorney, KID

Approved by:


Graydon S. Price, #17815
Attorney for Respondent

ORDER

IT IS THEREFORE ORDERED BY THE COMMISSIONER OF INSURANCE that

1. Surrender of Respondent's license is hereby accepted;
2. Respondent's Kansas nonresident insurance agent's license shall be REVOKED effective this date;
3. Respondent shall not sell, solicit, or negotiate any insurance business in Kansas or on Kansas risks unless and until duly licensed as a Kansas agent ;
4. The pending hearing proceeding is dismissed; and
5. This Order shall take effect when signed by all parties and the Commissioner or the Commissioner's designee and filed of record with the Kansas Insurance Department.

IT IS SO ORDERED THIS 20th DAY OF JANUARY 2016, IN THE CITY OF TOPEKA, COUNTY OF SHAWNEE, STATE OF KANSAS.



John Wine
Assistant Commissioner of Insurance

NOTICE: In the event Respondent files a petition for judicial review, it must be filed within 30 days of service of this order, and 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

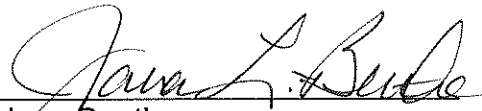
Certificate of Service

The undersigned hereby certifies that she served a true and correct copy of the above and foregoing **Consent Order** and accompanying **Notice** on this 20th day of January 20th by causing the same to be placed in the United States Mail, first class postage prepaid, addressed to the following:

Graydon S. Price
ANDERSON & PRICE, P.C.
4218 Roanoke Rd., Suite 305
Kansas City, MO 64111

And pursuant to K.S.A. 77-531, also to the following:

Bryan D. Roper
1110 S. Home Avenue, Apt. F
Independence, MO 64053-1755


Jana Beethe
Legal Assistant