

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

In the Matter of the Kansas)
Insurance Agency License of)
Dean-Hamilton, LLC)
License No. 471892556)

Docket No. 5124-SO

SUMMARY ORDER

(Pursuant to K.S.A. 2016 Supp. 40-4909, K.S.A. 77-501 *et seq.*)

Pursuant to the authority granted to the Commissioner of Insurance (“Commissioner”) by K.S.A. 40-4909, the Commissioner hereby revokes the agency license of Respondent, **Dean-Hamilton, LLC** (“Respondent”). This Summary Order shall become effective as a Final Order, without further notice, upon the expiration of the fifteen (15) day period if no request for hearing is made, pursuant to K.S.A. 77-542.

Findings of Fact

The Commissioner finds the following facts:

1. Respondent was licensed as a Kansas nonresident agency on January 28, 2016 and remains licensed to date.
2. Respondent’s legal and mailing address is 19821 NW 2nd Avenue, Suite 103, Miami Gardens, Florida, 33169.
3. In May of 2017, the Kansas Insurance Department (KID) received a consumer complaint regarding a National Health Insurance Company policy purchased by a Kansas resident, the application thereof completed via Respondent agency.
4. KID investigated the complaint, which alleged misleading sales practices, and Tracyann Hamilton, the officer associated with Respondent agency, and a licensed, affiliated agent, provided written responses.

5. Ms. Hamilton acknowledged she had no contact with the consumer during the process of the sale, and that an unlicensed employee of Respondent agency handled the transaction.
6. Ms. Hamilton acknowledged signing and submitting the application to the company as the agent of record.
7. Ms. Hamilton and Respondent misled KID about the licensing status of the unlicensed employee who completed the insurance application.
8. KID sent a letter on September 6, 2017, detailing the allegations and requesting a response.
9. Respondent has not replied to the allegations.

Applicable Law

1. **K.S.A. 40-4909. Same; suspension, denial of, revocation or refusal to renew license; grounds; hearing; powers of commissioner.**

(a)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.”

K.S.A. 2016 Supp. 40-4909(a) ...

(8) Use of any fraudulent, coercive, or dishonest practice, or demonstrating any incompetence, untrustworthiness of financial irresponsibility in the conduct of business. ...

(12) Knowingly accepted insurance business from an individual who is not licensed.

(d) The license of any business entity may be suspended, revoked or refused renewal if the insurance commissioner finds that any violation committed by an individual licensee employed by or acting on behalf of such business entity was known by or should have been known by one or more of the partners, officers or managers acting on behalf of the business entity and:

(1) Such violation was not reported to the insurance commissioner by such business entity; or

(2) such business entity failed to take any corrective action.

Conclusions of Law

1. The Commissioner has jurisdiction over Respondent as well as the subject matter of this proceeding, and such proceeding is held in the public interest.
2. The Commissioner finds that Respondent's Kansas license may be revoked because an officer and individual licensee of Respondent has committed dishonest practice, demonstrated incompetence in the conduct of business, and accepted insurance business from an unlicensed employee and entity did not report or correct the issue.
3. The Commissioner finds that Respondent's Kansas license may be revoked because Respondent did not report or correct the violations committed on its behalf.
4. Accordingly, the Commissioner concludes that sufficient grounds exist for the revocation of the insurance agency license of **Dean-Hamilton, LLC**, pursuant to K.S.A. 40-4909.

Orders

Based on the Findings of Fact, Applicable Law, and conclusions cited above, **THE COMMISSIONER OF INSURANCE THEREFORE ORDERS THAT:**

1. The Kansas nonresident Insurance Agent's License of **Dean-Hamilton, LLC** is hereby **REVOKED** the effective date of this Order.

2. **IT IS FURTHER ORDERED** that Dean-Hamilton, LLC shall **CEASE** and **DESIST** from the sale, solicitation or negotiation of insurance and/or receiving compensation deriving from the sale, solicitation or negotiation of insurance conducted after the effective date of this Order.

IT IS SO ORDERED THIS 16th DAY OF OCTOBER 2017, IN THE CITY OF TOPEKA, COUNTY OF SHAWNEE, STATE OF KANSAS.



Ken Selzer, CPA
Commissioner of Insurance

BY:

Diane Minear
Diane Minear
General Counsel

NOTICE AND OPPORTUNITY FOR HEARING

Dean-Hamilton, LLC, within fifteen (15) days of service of this Summary Order, may file with the Kansas Insurance Department a written request for hearing on this Summary Order, as provided by K.S.A. 77-542. In the event a hearing is requested, such request should be directed to:

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

Any costs incurred as a result of conducting any administrative hearing shall be assessed against the agent/agency who is the subject of the hearing as provided by K.S.A. 40-4909(f). Costs shall include witness fees, mileage allowances, any costs associated with reproduction of documents which become part of the hearing record, and the expense of making a record of the hearing.

If a hearing is not requested, this Summary Order shall become effective as a Final Order, without further notice, upon the expiration of the fifteen (15) day period for requesting a hearing. The Final Order will constitute final agency action in the matter.


In the event the Respondent files a petition for judicial review, the agency officer designated pursuant to K.S.A. 77-613(e) to receive service of a petition for judicial review on behalf of the Kansas Insurance Department is:

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

CERTIFICATE OF SERVICE

The undersigned hereby certifies that he served the above and foregoing Summary Order on this 16th day of October, 2017, by causing the same to be deposited in the United States Mail, first class postage prepaid, addressed to the following:

Dean-Hamilton, LLC
19821 NW 2nd Avenue, Suite 103
Miami Gardens, Florida, 33169


Elizabeth J. Hickert Pike
Staff Attorney