

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

In the Matter of the Kansas Resident)
Insurance Agent's License of)
MICHAEL H. ZUNIGA)
NPN: # 16326214)

Docket No. 70108

SUMMARY ORDER

(Pursuant to K.S.A. 40-4909, K.S.A. 77-501)

Pursuant to the authority granted to the Commissioner of Insurance ("Commissioner") by K.S.A. 40-4909, the Commissioner hereby revokes the agent's license of Respondent, **MICHAEL H. ZUNIGA** ("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 resident insurance agent on August 24, 2011, and remains licensed to date.
2. Respondent's legal (residential) address of record is 601 Second Ave., Dodge City, KS 67801.
3. Pursuant to K.A.R. 40-7-9(d), Respondent self-reported to the Kansas Insurance Department ("KID") that he was convicted of a misdemeanor in California on July 31, 2017.
4. Respondent provided court documentation showing that he was convicted of violating CPC 647.6(a), annoying or molesting a child under the age of 18, a misdemeanor under California Penal Code. The act occurred in May 2014 and the victim was 15 years old at the time.

Applicable Law

- Pursuant to K.S.A. 40-4909(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:
 - (6) Been convicted of a misdemeanor or felony.K.S.A. 40-4909(a)

Policy Reasons

1. It is in the public interest that the license of an agent who has been convicted of a misdemeanor involving annoying or molesting a child be revoked.

Conclusions of Law

1. The Commissioner has jurisdiction over **MICHAEL H. ZUNIGA** 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 **MICHAEL H. ZUNIGA** was convicted of a misdemeanor involving annoying or molesting a child under the age of 18.
3. The Commissioner finds, pursuant to K.S.A. 40-4909(b), that the interests of the public are not properly served under Respondent's license.
4. Accordingly, the Commissioner concludes that sufficient grounds exist for the revocation of the insurance agent's license of **MICHAEL H. ZUNIGA**, pursuant to K.S.A. 40-4909(a) and (b).

IT IS THEREFORE ORDERED BY THE COMMISSIONER OF INSURANCE THAT:

1. The Kansas nonresident Insurance Agent's License of **MICHAEL H. ZUNIGA** is hereby **REVOKED** the effective date of this Order.
2. **IT IS FURTHER ORDERED** that **MICHAEL H. ZUNIGA** 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 30 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

MICHAEL H. ZUNIGA, 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 30 day of October, 2017, by causing the same to be deposited in the United States Mail, first class postage prepaid, addressed to the following:

Michael H. Zuniga
601 Second Ave.
Dodge City, Kansas 67801


Toni Garrard
Administrative Assistant