

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

<b>In the Matter of the Application for a</b>	)	
<b>Kansas Resident Insurance Agent's</b>	)	
<b>License of GEORGE T. O'DONNELL III,</b>	)	<b>Docket No.: 4965-SO</b>
<b>NPN 63281</b>	)	

**PROPOSED DEFAULT ORDER**  
(Pursuant to K.S.A. 40-4909 and K.S.A. 77-520)

Pursuant to authority granted to the Commissioner of Insurance ("Commissioner") by K.S.A. 40-4909, the Commissioner hereby proposes to revoke the Kansas resident insurance agent's license of George T. O'Donnell III ("Respondent") by Default Order as provided by K.S.A. 77-520.

**Findings of Fact**

1. Respondent was licensed as a Kansas resident insurance agent on June 13, 2008, and has been continuously so licensed to date.
2. Respondent's legal (residential) and mailing address of record is 15454 Glenwood Avenue, Overland Park, Kansas 66223-3104.
3. The Commissioner issued a Summary Order dated January 6, 2017, proposing to revoke Respondent's license.
4. The Summary Order was based on a complaint received by KID that Respondent collected two separate premium checks to renew insurance for Target Directional Drilling, Inc. (\$10,000.00), and Sunset Trail Hours Stables (\$4,436.14), and that Respondent did not forward these payments so as to secure coverage. These actions were alleged to have taken place in the state of Missouri.
5. Respondent timely requested a hearing as provided in the Summary Order. A prehearing conference was scheduled for February 7, 2017 at 10:30 a.m. The Notice of Prehearing Conference was mailed to Respondent on January 26, 2017.
6. Respondent was directed to fill out a Prehearing Questionnaire and submit it to KID no later than February 3, 2017. KID did not receive the Prehearing Questionnaire from Respondent.
7. Respondent did not attend the hearing or request to attend the hearing by telephone. There is no record of Respondent requesting a continuance for the prehearing conference.

### Applicable Law

- 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;

(4) Improperly withheld, misappropriated or converted any moneys or properties received in the course of doing insurance business.... [and/or]

(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. 40-4909(a)

- K.S.A. § 40-4909(c) provides, in relevant part:

“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. 40-4909(c).

- K.S.A. 77-520(a) provides, in relevant part:

“If a party fails to attend or participate in a prehearing conference, hearing or other stage of an adjudicative proceeding, the presiding officer may serve upon all parties written notice of a proposed default order, including a statement of the grounds.” K.S.A. 77-520(a)

- Pursuant to K.S.A. 77-526(a), the Presiding Officer, the Assistant Commissioner of Insurance acting on behalf of the Commissioner of Insurance as the agency head as provided in K.S.A. 77-547, is empowered to render a Final Order.

### Conclusions of Law

1. Respondent has been properly served notice of the proposed action and facts relied upon and notice of the Hearing.
2. The Commissioner has jurisdiction over Respondent as well as the subject matter of this proceeding, and such proceeding is held in the public interest.
3. The Assistant Commissioner of Insurance is acting on behalf of the Commissioner of Insurance as the agency head and is empowered to render a Final Order.


4. Pursuant to K.S.A. 40-4909(a)(4), the Commissioner finds that Respondent's license may be revoked because Respondent has improperly withheld, misappropriated or converted any moneys or properties received in the course of doing insurance business.
5. Pursuant to K.S.A. 40-4909(a)(8), the Commissioner finds that Respondent's license may be revoked because Respondent has used fraudulent, coercive, or dishonest practice, or demonstrated any incompetence, untrustworthiness or financial irresponsibility in the conduct of business in this state or elsewhere.
6. Pursuant to K.S.A. 77-520(a), the Commissioner finds that Respondent failed to attend or participate in the prehearing conference that was set on February 7, 2017.

IT IS THEREFORE ORDERED BY THE COMMISSIONER OF INSURANCE the proceeding is **DISMISSED**, and the findings of fact, conclusions of law, and order contained above are adopted by reference and made the final order of the Commissioner. Furthermore, it is found that the Kansas resident insurance agent's license of **GEORGE T. O'DONNELL III** is hereby **REVOKED**, and **GEORGE T. O'DONNELL III** 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 in Kansas or on Kansas risks through business conducted on and after the effective date of this order.

Unless vacated by further order, this Order shall become effective as a Final Order at the expiration of the time for filing a motion to vacate the order.

IT IS SO ORDERED THIS 7<sup>th</sup> DAY OF February 2017, IN THE CITY OF TOPEKA, COUNTY OF SHAWNEE, STATE OF KANSAS.



  
\_\_\_\_\_  
John Wine  
Assistant Commissioner of Insurance

NOTICE

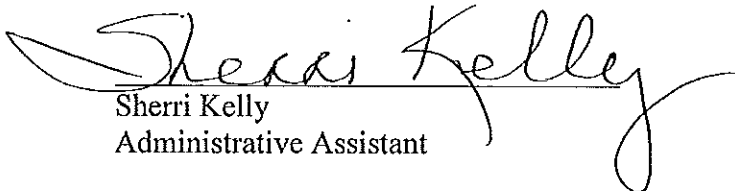
In the event Respondent files a Petition for Judicial Review, pursuant to K.S.A. 77-613(e), the agency officer to be served on behalf of the Kansas Insurance Department is

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

Certificate of Service

The undersigned hereby certifies that she/she served a true and correct copy of the above and foregoing Order on this 7<sup>th</sup> day of February 2017, by causing the same to be placed in the United States Mail, first class postage prepaid, addressed to the following:

George T. O'Donnell III  
15454 Glenwood Ave.  
Overland Park, KS 66223-3104

  
Sherri Kelly  
Administrative Assistant