

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

In the Matter of the Kansas)
Insurance Agent's License of) Docket No. 4988-SO
LUZ RIOS-BARCENAS)
NPN: # 18077315)

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, **LUZ RIOS-BARCENAS** ("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. Records maintained by the Kansas Insurance Department ("KID") indicate that Respondent is licensed as a resident agent to transact the business of insurance in the State of Kansas, and has been so licensed since August 23, 2016.
2. KID records further indicate that the legal (residential) and mailing address of Ms. Luz Rios-Barcenas is 102 N Main St., Garden City, Kansas 67846-5458
3. Respondent attempted to pay the \$30 application fee by electronic check on August 23, 2016.
4. On September 15, 2016, a Consent Order and Agreement was signed granting Respondent a license.
5. KANPAY, the organization that processed the payment, then notified KID that the electronic check was returned.
6. Numerous attempts were made by KID to contact Respondent regarding the situation, including a letter dated February 6, 2017. To date, Respondent has not responded.

Applicable Law

- Pursuant to K.S.A. 40-4905(a), it shall be unlawful for any person to sell, solicit or negotiate any insurance within this state unless such person has been issued a license as an insurance agent in accordance with this act. K.S.A. 40-4905(a)

- Pursuant to K.S.A. 40-4905(b), "...Before approving the application, the commissioner shall determine that the applicant:
 - Has paid a nonrefundable fee in the amount of \$30." K.S.A. 40-4905(b)(3)
- K.S.A. 40-4909 states, in pertinent part:
 - (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:
 - (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.

Policy Reasons

1. It is in the public interest that the license of an agent who has demonstrated untrustworthiness or financial irresponsibility in the conduct of business in this state or elsewhere be revoked.

Conclusions of Law

1. The Commissioner has jurisdiction over **LUZ RIOS-BARCENAS** 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 **LUZ RIOS-BARCENAS** has demonstrated financial irresponsibility in the conduct of business in this state by not paying her application fee.
3. The Commissioner finds that Respondent's Kansas license may be revoked because **LUZ RIOS-BARCENAS** has demonstrated untrustworthiness by not responding to staff requests for response.
4. 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.
5. Accordingly, the Commissioner concludes that sufficient grounds exist for the revocation of the insurance agent's license of **LUZ RIOS-BARCENAS**, pursuant to K.S.A. 40-4909(a) and (b).

IT IS THEREFORE ORDERED BY THE COMMISSIONER OF INSURANCE THAT:

1. The Kansas resident Insurance Agent's License of **LUZ RIOS-BARCENAS** is hereby **REVOKED** the effective date of this Order.
2. **IT IS FURTHER ORDERED** that **LUZ RIOS-BARCENAS** 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.

NOTICE AND OPPORTUNITY FOR HEARING

LUZ RIOS-BARCENAS, 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

IT IS SO ORDERED THIS 2nd DAY OF March, 2017, IN THE CITY OF TOPEKA, COUNTY OF SHAWNEE, STATE OF KANSAS.



Ken Selzer, CPA
Commissioner of Insurance

BY:

John Wine
Assistant Commissioner

CERTIFICATE OF SERVICE

The undersigned hereby certifies that he served the above and foregoing Summary Order on this 2nd day of March, 2017, by causing the same to be deposited in the United States Mail, first class postage prepaid, addressed to the following:

Luz Rios-Barcenas
102 N Main St.
Garden City, Kansas 67846-5458

Steven Lehwald, #26069
Staff Attorney