

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

In the Matter of the Kansas)
Insurance Agent's License of)
Tracyann Hamilton)
NPN No. 17116311)

Docket No. 5123-SO

SUMMARY ORDER

(Pursuant to K.S.A. 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, and K.S.A. 40-246a, the Commissioner hereby revokes the agent's license of Respondent, **Tracyann Hamilton** ("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. Tracyann Hamilton became licensed as a Kansas nonresident insurance agent on October 1, 2015 and remains licensed to date.
2. Respondent's legal (residential) and mailing address of record is 2735 NW 199 Terrace, Miami Gardens, Florida, 33056.
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 signed by Respondent as the sales agent.
4. KID investigated the complaint, which alleged misleading sales practices, and Respondent provided written responses.

5. These written statements acknowledge Respondent had no contact with the consumer during the process of the sale, and that an unlicensed employee of Dean-Hamilton, LLC, Respondent's affiliated agency, handled the transaction.
6. Respondent acknowledge signing and submitting the application to the company as the agent of record.
7. Respondent misled KID about the licensing status of her 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.

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 Respondent has committed a dishonest practice, demonstrated incompetence in the conduct of business, and accepted insurance business from an unlicensed employee.
3. Accordingly, the Commissioner concludes that sufficient grounds exist for the revocation of the insurance agent's license of **Tracyann Hamilton**, 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:**

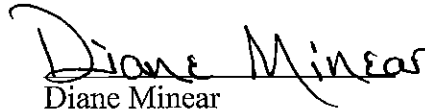
1. The Kansas nonresident Insurance Agent's License of **Tracyann Hamilton** is hereby **REVOKED** the effective date of this Order.
2. **IT IS FURTHER ORDERED** that **Tracyann Hamilton** shall **CEASE** and **DESIST** from the sale, solicitation or negotiation of insurance and/or receiving compensation 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
General Counsel

NOTICE AND OPPORTUNITY FOR HEARING

Tracyann Hamilton, 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.

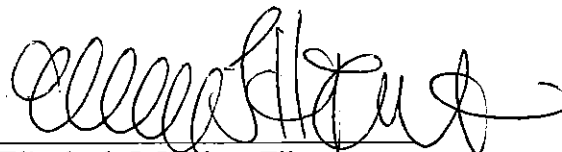
In the event the Respondent files a petition for judicial review, the agency officer designated pursuant to K.S.A. 77-613(e) to receive service of a petition for judicial review on behalf of the Kansas Insurance Department is:

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:

Tracyann Hamilton
2735 NW 199 Terrace
Miami Gardens, Florida, 33056



Elizabeth J. Hickert Fike
Staff Attorney