

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

In the Matter of the Application for a)
Kansas Resident Insurance Agent's)
License of **Bennett E. Zinman,**)
NPN 16115074.)

Docket No.: 5107-L

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 finds facts and denies the application of **Bennett E. Zinman** ("Applicant") for a Kansas resident insurance agent's license by Default Order as provided by K.S.A. 77-520.

Findings of Fact

1. Records maintained by the Kansas Insurance Department ("KID") reflect that Applicant submitted an application for Kansas Resident insurance agent license on August 29, 2017.
2. By letter dated September 6, 2017, KID staff notified Applicant that the application was denied based on incorrect, misleading, incomplete, or untrue application information, and two misdemeanor solicitation convictions.
3. The letter contained findings of fact, conclusions of law, and notice of KID's action, and it gave notice of the time and manner for requesting a hearing.
4. Applicant timely requested a hearing as provided in the letter, filed a prehearing questionnaire, and appeared by telephone for a prehearing conference.
5. At the prehearing conference, the matter was set for hearing at 2:00 p.m. on November 28, 2017, and a prehearing order was served by mail to Applicant at the mailing address shown on his application and Applicant's counsel, James G. Chappas at his office.
6. On November 28, 2017 at 2:00 p.m., Presiding Officer opened the hearing. Steven Lehwald appeared on behalf of KID and James G. Chappas appeared on behalf of Applicant.

All parties understood that Applicant would appear by phone to act as a witness. Mr. Chappas acknowledged that he had confirmed Applicant's attendance by phone.

7. Parties waited for Applicant to call or return counsel's phone call, and when Applicant had not called after 15 minutes had passed, Mr. Lehwald moved for a default order in KID's favor. Mr. Chappas presented as having no good faith objection to the motion.

8. As a result of Applicant's failure to appear, the Presiding Office adjourned the hearing and granted the motion for default order.

9. The Presiding Officer is 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.

Applicable Law

10. "If a party fails to attend or participate in a prehearing conference, hearing, or other state 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). "Within seven days after service of a proposed default order, the party against whom it was issued may file a written motion requesting that the proposed default order be vacated and stating the grounds relied upon." K.S.A. 77-520(b). Unless a written motion is filed within the time allowed, the proposed default order will become effective at the expiration of the time allowed. K.S.A. 77-520(c).

11. 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

12. Applicant has been properly served notice of the proposed action and facts relied upon and notice of the Hearing.

13. The Commissioner has jurisdiction over Applicant as well as the subject matter of this proceeding, and such proceeding is held in the public interest.

14. The Commissioner finds that Applicant has failed to appear for the hearing and a proposed default order may and should be served.

IT IS THEREFORE ORDERED BY THE COMMISSIONER OF INSURANCE THAT Applicant's hearing proceeding is DISMISSED, and the findings of fact, conclusions of law, and order contained in the letter mailed to Applicant on September 6, 2017 are adopted by reference and made the final order of the Commissioner.

Unless vacated by further order, this Proposed Default 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 30th DAY OF NOVEMBER, 2017, IN THE CITY OF TOPEKA, COUNTY OF SHAWNEE, STATE OF KANSAS.



Ken Selzer, CPA
Commissioner of Insurance

Clark Shultz
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. 9th Street
Topeka, Kansas 66612

Certificate of Service

The undersigned hereby certifies that he/she served a true and correct copy of the above and foregoing **Default Order** on this 30th day of November, 2017, by causing the same to be placed in the United States Mail, first class postage prepaid, addressed to the following:

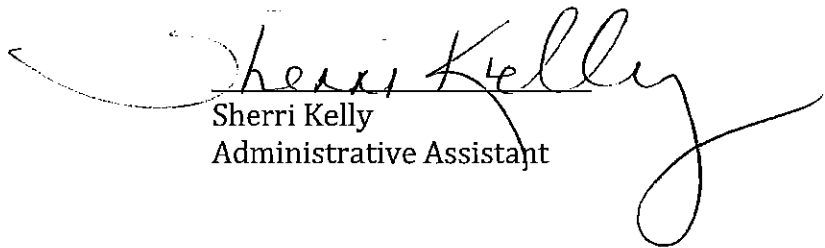
Bennett E. Zinman
8012 Perry St., Apt. 196
Overland Park, KS 66204-4760
Applicant

And

James G. Chappas
1501 SW Topeka Blvd.
Topeka, KS 66612
Attorney for Applicant

And hand-delivered to:

Steven Lehwald
Kansas Insurance Department
420 SW 9th St.
Topeka, KS 66612
Counsel for Kansas Insurance Department


Sherri Kelly
Administrative Assistant