

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

In the Matter of the Kansas Resident)
Insurance Agent's License of)
SHAWNA ALLEN)
NPN: #10220706)

Docket No. 74625

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, **SHAWNA ALLEN** ("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 April 22, 2010, and remains licensed to date.
2. Respondent's legal (residential) address of record is 3106 Cornell Dr., Hutchinson, KS 67502-2346.
3. On May 31, 2018, the Kansas Insurance Department ("KID") received a letter from American Family Mutual Insurance Company ("American") entitled "Notice of Premium Misappropriation by Licensed Producer."
4. The notice was to inform KID that American had discovered premium misappropriation by Respondent after Respondent had resigned from her contractual agreement with the company.
5. The notice set out four specific instances of misappropriation:
 - a. Respondent pocketed premium payments of insured T.A. in the amount of \$417.72.
 - b. Respondent pocketed premium payments of insured R.D. in the amount of \$840.00.
 - c. Respondent pocketed premium payments of insured R.K. in the amount of \$1047.96 and failed to issue a valid policy.
6. The amount of money involved in the misappropriations by Respondent totaled at least \$2305.68
7. Respondent did not respond to American's questions regarding the matter.

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:
 - (4) Improperly withheld, misappropriated or converted any moneys or properties received in the course of doing insurance business.

- (5) Intentionally misrepresented the provisions, terms and conditions of an actual or proposed insurance contract or application for insurance.
- (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)

Policy Reasons

1. It is in the public interest that the license of an agent who has improperly withheld, misappropriated or converted any moneys or properties received in the course of doing insurance business be revoked.
2. It is in the public interest that the license of an agent who has intentionally misrepresented the provisions, terms and conditions of an actual or proposed insurance contract or application for insurance be revoked.
3. It is in the public interest that the license of an agent who has used fraudulent conduct or demonstrated untrustworthiness in the conduct of business be revoked.

Conclusions of Law

1. The Commissioner has jurisdiction over **SHAWNA ALLEN** 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 **SHAWNA ALLEN** improperly withheld, misappropriated or converted any moneys or properties received in the course of doing insurance business.
3. The Commissioner finds that Respondent’s Kansas license may be revoked because **SHAWNA ALLEN** intentionally misrepresented the provisions, terms and conditions of an actual or proposed insurance contract or application for insurance.
4. The Commissioner finds that Respondent’s Kansas license may be revoked because **SHAWNA ALLEN** used fraudulent conduct or demonstrated any incompetence, untrustworthiness or financial irresponsibility in the conduct of business in this state.
5. 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.
6. Accordingly, the Commissioner concludes that sufficient grounds exist for the revocation of the insurance agent’s license of **SHAWNA ALLEN**, 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 **SHAWNA ALLEN** is hereby **REVOKED** the effective date of this Order.
2. **IT IS FURTHER ORDERED** that **SHAWNA ALLEN** 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 28 DAY OF August, 2018, 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

Shawna Allen, 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.

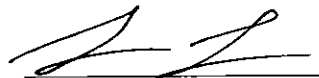
In the event the Respondent files a petition for judicial review, the agency officer designated pursuant to K.S.A. 77-613(e) to receive service of a petition for judicial review on behalf of the Kansas Insurance Department is:

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 28 day of August, 2018, by causing the same to be deposited in the United States Mail, first class postage prepaid, addressed to the following:

Shawna Allen
3106 Cornell Dr.
Hutchinson, KS 67502-2346



Steven Lehwald
Staff Attorney