

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

In the Matter of the Kansas Resident)
Insurance Agent's License of)
ZACHARY T. BAKER)
NPN: # 18722427)

Docket No. 75631

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, **ZACHARY T. BAKER** ("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 has a legal (residential) address of record at 6911 W 138th Ter., APT 521, Overland Park, KS 66223-7834 and a mailing address of 11225 College Blvd, STE 230, Overland Park, KS 66210-2769.
2. On October 11, 2018, Respondent submitted an application for a Kansas nonresident individual insurance agent license ("Application") to the Kansas Insurance Department ("KID").
3. Background Question 2 under Item 38 of the application asks, "Have you ever been named or involved in an administrative proceeding, including FINRA sanction or arbitration proceeding regarding any professional or occupational license or registration?" "Involved" means having a license censured, suspended, revoked, canceled, terminated; or being assessed a fine, a cease and desist order, a prohibition order, a compliance order, placed on probation, sanctioned or surrendering a license to resolve an administrative action. "Involved" also means having a license, or registration application denied or the act of withdrawing an application to avoid a denial.
4. Respondent answered "No."
5. Respondent was originally denied an application for a nonresident insurance agent license by KID on April 30, 2018. At that time, Respondent had also marked "No." when asked about Question 2.
6. A record check at that time revealed the following chiropractic license revocation: July 14, 2017, Kansas Board of Healing Arts, Docket No. 17HA-00058. The revocation was titled as a "Consent Order for Surrender", but the order specifically stated that it was a revocation of the license. The order stated Respondent failed to follow the orders of the Board and failed to take a required ethics exam.

7. Respondent was licensed as a Kansas nonresident insurance agent on October 11, 2018, and remains licensed to date. The application would not have been granted but for the omission by Respondent.
8. On October 31, 2018, Respondent submitted a home address change request from Missouri to Kansas, thus giving him a resident agent license.

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:
 - (1) Provided incorrect, misleading, incomplete or untrue information in the license application...[and/or]
 - (3) Obtained or attempted to obtain a license under this act through misrepresentation or fraud.” K.S.A. 40-4909(a)

Policy Reasons

1. It is in the public interest that the license of an agent who provided incorrect, misleading, incomplete or untrue information in the license application be revoked.
2. It is in the public interest that the license of an agent who obtains a license through misrepresentation or fraud be revoked.

Conclusions of Law

1. The Commissioner has jurisdiction over **ZACHARY T. BAKER** 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 **ZACHARY T. BAKER** provided incorrect, misleading, incomplete or untrue information in the license application.
3. The Commissioner finds that Respondent’s Kansas license may be revoked because **ZACHARY T. BAKER** obtained an insurance license through misrepresentation or fraud.
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 **ZACHARY T. BAKER**, 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 **ZACHARY T. BAKER** is hereby **REVOKED** the effective date of this Order.
2. **IT IS FURTHER ORDERED** that **ZACHARY T. BAKER** 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 6 DAY OF November, 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

ZACHARY T. BAKER, 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 6 day of November, 2018, by causing the same to be deposited in the United States Mail, first class postage prepaid, addressed to the following:

Zachary T. Baker
6911 W 138th Ter., APT 521
Overland Park, KS 66223-7834


Steven Lehwald
Staff Attorney