

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

In the Matter of the Kansas)	
Insurance Agent's License of)	Docket No. 75570
RANDI J. CONARD)	
NPN: # 18803770)	

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, **RANDI J. CONARD** ("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 June 22, 2018 and remains licensed to date.
2. Respondent's legal (residential) address record is 915 Brown Ave., Downs KS 67437-1426.
3. Respondent attempted to pay the \$90 application fee by electronic check to the National Insurance Producer Registry (NIPR) on June 12, 2018.
4. Respondent was granted a license with the understanding that the application fee was paid.
5. NIPR, the organization that processed the payment, then notified KID in September 2018 the electronic check was returned.
6. KID staff tried to contact Respondent by email to remedy the situation on October 12, 2018. Staff gave Respondent until October 26, 2018 to pay.
7. Respondent did not respond.

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.
 - (i) (1) The commissioner may require a person applying for a resident insurance agent license to be fingerprinted and submit to a state and national criminal history record check. The fingerprints shall be used to identify the applicant and to determine whether the applicant has a record of criminal arrests and convictions in this state or other jurisdictions. The commissioner is authorized to submit the fingerprints to the Kansas bureau of investigation and the federal bureau of investigation for a state and national criminal history record check. Local and state law enforcement officers and agencies shall assist the commissioner in the taking and processing of fingerprints of applicants and shall release all records of an applicant's arrests and convictions to the commissioner.
 - (2) The commissioner may conduct, or have a third party conduct, a background check on a person applying for a resident insurance agent license.
 - (3) Whenever the commissioner requires fingerprinting, a background check, or both, any associated costs shall be paid by the applicant.” K.S.A. 40-4905(a)
- Pursuant to K.S.A. 40-4906(a), “... (a) Unless denied licensure pursuant to K.S.A. 40-4909, and amendments thereto, a nonresident person shall receive a nonresident agent license if:
 - (2) such person has submitted the proper request for licensure and has paid to the commissioner a nonrefundable application fee of \$30 and a biennial fee of \$50.” K.S.A. 40-4906(a)(2)
 - 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:
 - (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 demonstrated untrustworthiness or financial irresponsibility by not paying an application fee be revoked.

Conclusions of Law

1. The Commissioner has jurisdiction over **RANDI J. CONARD** 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 resident agent license may be revoked because **RANDI J. CONARD** has demonstrated financial irresponsibility in the conduct of business in this state by not paying her application fee.
3. 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.
4. Accordingly, the Commissioner concludes that sufficient grounds exist for the revocation of the insurance agent's license of **RANDI J. CONARD**, 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 **RANDI J. CONARD** is hereby **REVOKED** the effective date of this Order.
2. **IT IS FURTHER ORDERED** that **RANDI J. CONARD** 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 5 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

RANDI J. CONARD, 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 5 day of November, 2018, by causing the same to be deposited in the United States Mail, first class postage prepaid, addressed to the following:

Randi J. Conard
915 Brown Ave.
Downs, KS 67437-1426



Steven Lehwald, #26069
Staff Attorney