

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

In the Matter of the Application for	)	
Kansas Resident Insurance Agent's License of	)	
<b>Kayan Domnick</b> , NPN 18870351	)	Docket No. 75295
Pursuant to the Violent Crime Control and	)	
Law Enforcement Act of 1994, 18 U.S.C. §1033	)	

**CONSENT AGREEMENT AND ORDER**  
**(Pursuant to K.S.A. 40-4909 and K.S.A. 77-501 et seq.)**

Pursuant to the authority granted to the Commissioner of Insurance ("Commissioner") by K.S.A. 40-103 and in accordance with K.S.A. 40-4901 *et seq.*, and K.S.A. 77-501 *et seq.*, the Commissioner hereby accepts the stipulations of the parties, and grants the application of Kayan Domnick ("Applicant") for a Kansas resident insurance agent license as outlined in this order. This Consent Agreement shall become effective as a Final Order, without further notice when signed by the Commissioner or his designee and filed of record with the Kansas Insurance Department ("KID").

**FINDINGS OF FACT**

1. Applicant is a resident of Attica, Kansas.
2. Applicant submitted to KID an application for a Kansas resident insurance agent license.
3. KID returned to Applicant an application pursuant to 18 U.S.C. § 1033 based on Applicant's intent to defraud with a written instrument felony conviction in Sedgwick County District Court in 1992.
4. Applicant acknowledges the right to have a hearing on the facts and disposition and to seek review of any adverse order in this matter has been fully and satisfactorily explained.
5. In lieu of a hearing and uncertain disposition, Applicant acknowledges that legal grounds exist for denial of the license application and agrees, as consideration for issuance of the license, to entry of an order making a record of her conduct and agrees to pay costs of additional investigation and the hearing proceeding.
6. Applicant expressly waives hearing and stipulates that incorrect information on a license application and conviction of a misdemeanor and felony constitute legal and sufficient grounds for denial of an application for a license.
7. Applicant stipulates that the Commissioner has jurisdiction of her person and the subject matter of this action.

8. For purposes of an agreed order, Applicant waives any and all rights to administrative and judicial review, expressly including any challenge to the Commissioner's authority to assess costs of investigation and hearing.
9. Applicant acknowledges that any misrepresentation or material omission in the application and supporting documents, or a new offense, would constitute grounds for immediate suspension or revocation of the license.
10. Applicant acknowledges that the Commissioner's order must be reported to a database accessible to insurance companies and other regulators and will be an open record accessible to the public and posted on KID's website.

### APPLICABLE LAW

K.S.A. §40-4909(a) provides, in relevant part:

“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:  
(6) Been convicted of a misdemeanor or felony” ...K.S.A. 40-4909(a)

K.S.A. § 40-4909(c) provides, in relevant part:

“Any action taken under this section which affects any license or imposes any administrative penalty shall be taken only after notice and an opportunity for hearing conducted in accordance with the provisions of the Kansas administrative procedures act.”  
K.S.A. 40-4909(c).

18 U.S.C. §1033(e)(1)(A) provides, in relevant part:

“Any individual who has been convicted of any criminal felony involving dishonesty or a breach of trust, or who has been convicted of an offense under this section, and who willfully engages in the business of insurance whose activities affect interstate commerce or participates in such business, shall be fined as provided in this title or imprisoned not more than 5 years, or both.” 18 U.S.C. §1033(e)(1)(A)

18 U.S.C. §1033(e)(2) provides, in relevant part:

“A person described in paragraph (1)(A) may engage in the business of insurance or participate in such business if such person has the written consent of any insurance regulatory official authorized to regulate the insurer, which consent specifically refers to this subsection.” 18 U.S.C. §1033(e)(2).

CONCLUSIONS OF LAW

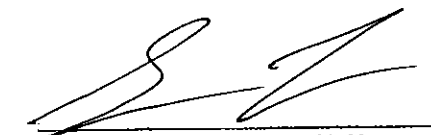
1. The Commissioner has jurisdiction over Applicant as well as the subject matter of this proceeding, and such proceeding is held in the public interest.
2. The Commissioner finds that Applicant's application may be denied pursuant to K.S.A. 40-4909(a)(6) because Applicant has been convicted of a felony.
3. Applicant's conviction of felony intent to defraud in 1992 is a criminal felony involving dishonesty or a breach of trust within the meaning of 18 U.S.C. §1033(e)(1)(A).
4. Accordingly, Applicant may not engage in the business of insurance without a written consent issued by the Commissioner pursuant to 18 U.S.C. §1033(e)(2).
5. However, the Commissioner has discretion to find that the circumstances do not require denial of the license and to grant the written consent pursuant to 18 U.S.C. §1033(e)(2).
6. In reliance upon the nature of Applicant's conviction, the fact that Applicant has no other criminal history, and the amount of time that that has passed since Applicant's conviction, the Commissioner finds that Applicant does not pose a risk to Kansas consumers or to the business of insurance.

STIPULATION

I hereby certify that all statements and information I provided in connection with my application for a Kansas resident insurance agent's license are now true and complete. I further stipulate and agree to the above findings, facts, and conclusions of law and waive my rights to an administrative hearing and judicial review of the Commissioner's Order.

 10/22/18  
Kayan Domnick                      Date  
Applicant

Prepared by:

  
\_\_\_\_\_  
Steven M. Lehwald, 26069  
Staff Attorney, KID

**ORDER**

Before issuing an insurance agent license, the Commissioner must determine that the applicant is qualified and has not committed any act that would be grounds for denial, suspension, or revocation. K.S.A. 40-4905(b) and 40-4906. Further, the Commissioner may revoke any license issued under the Insurance Agents Licensing Act if the Commissioner finds that the interests of the insurer or the insurable interests of the public are not properly served under the license. The following action is appropriate to promote the security and integrity of the insurance business and protect insurance consumers by licensing, or continuing to license, persons or entities to sell, solicit, or negotiate insurance in the State of Kansas only if their conduct indicates they are both qualified and trustworthy.

**IT IS THEREFORE ORDERED BY THE COMMISSIONER OF INSURANCE THAT**

1. Pursuant to 18 U.S.C. §1033(e)(2), Kayan Domnick may engage in the business of insurance as a resident insurance agent, and only in such capacity, subject to the terms and conditions of this Order, which terms and conditions contained herein are necessary and sufficient to ensure that Applicant may engage in the business of insurance in a manner that is not reasonably likely to cause harm to the public, policyholders or the industry.
2. This written consent is conditioned upon Kayan Domnick remaining in the same or similar job as a resident insurance agent with the same duties. A change in job duties will necessitate the filing of a new request for written consent.
3. In the event that Kayan Domnick has been given significant different job duties and has not so informed KID, the consent shall be immediately invalidated as a matter of procedure.
4. Applicant Kayan Domnick shall pay investigative and hearing costs in the amount of \$150.00, receipt of which is hereby acknowledged.
5. The Kansas Insurance Department shall issue a Kansas resident insurance agent license to Kayan Domnick effective on the date of this order or the date passing examination scores are reported to KID, whichever is later.
6. Licensee shall disclose the existence of this order on any company or licensing authority application as a disciplinary action involving the license.

IT IS SO ORDERED THIS 22 DAY OF October, 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 REGARDING JUDICIAL REVIEW**

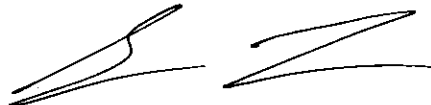
In the event Applicant files a Petition for Judicial Review, pursuant to K.S.A. 77-613(e), the agency officer to be served on behalf of the Kansas Insurance Department is:

Diane Minear, General Counsel  
Kansas Insurance Department  
420 S.W. 9<sup>th</sup> Street  
Topeka, Kansas 66612

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that he served a true and correct copy of the above and foregoing Consent Agreement & Order and accompanying Notice of Rights on this **22** day of October 2018 by causing the same to be placed in the United States Mail, first class postage prepaid, addressed to the following:

Kayan Domnick  
114 N Kiowa  
Attica, KS 67009



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Steven M. Lehwald, #26069  
Staff Attorney