

**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 **Ashley Gillespie**,                            )  
NPN **18664950**    )

**Docket No.: 71199**

**PROPOSED 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 **Ashley Gillespie** ("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 January 17, 2018.
2. By letter dated January 22, 2018, KID staff notified Applicant that the application was denied based on incorrect, misleading, incomplete, or untrue application information, including misdemeanor 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 made a timely request for hearing, filed a prehearing questionnaire, and appeared *pro se* for a prehearing conference.
5. At the prehearing conference, the matter was set for hearing at 2:00 p.m. on March 1, 2018, and a prehearing order was served by mail to Applicant at the mailing address shown on her application.
6. On March 1, 2018 at 2:00 p.m., Presiding Officer opened the hearing. Steven Lehwald appeared on behalf of KID. Parties anticipated Ms. Gillespie, along with a witness, to appear in person.

7. Parties waited for Applicant to arrive, call or return Mr. Lehwald's phone call. When Applicant had not called after 15 minutes had passed, Mr. Lehwald moved for a default order in KID's favor.

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 January 22, 2018 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 12<sup>th</sup> Day of March, 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. 9<sup>th</sup> Street  
Topeka, Kansas 66612

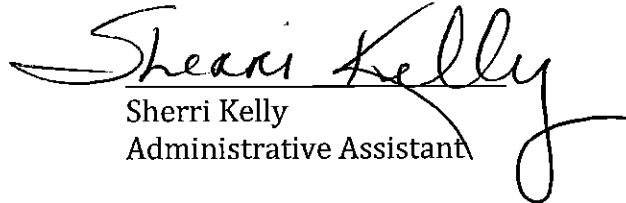
**Certificate of Service**

The undersigned hereby certifies that he/she served a true and correct copy of the above and foregoing **Proposed Default Order** on this \_\_\_ day of March, 2018, by causing the same to be placed in the United States Mail, first class postage prepaid, addressed to the following:

Ashley E. Gillespie  
5703 Antioch Road  
Merriam, KS 66202-2016  
*Applicant*

And hand-delivered to:

Steven Lehwald  
Kansas Insurance Department  
420 SW 9<sup>th</sup> St.  
Topeka, KS 66612  
*Counsel for Kansas Insurance Department*

  
Sherri Kelly  
Administrative Assistant