

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

In the Matter of the Kansas Resident)
Insurance Agent's License of)
ELIJAH S. HERRIG)
NPN: # 18767059) Docket No. 74974

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, **ELIJAH S. HERRIG** ("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 May 31, 2018, and remains licensed to date.
2. Respondent's legal (residential) address of record is 1852 Anderson Ave., APT 6, Manhattan, KS 66502-3681.
3. Respondent attempted to pay the \$90 application fee by electronic check to The National Insurance Producer Registry (NIPR) on May 17, 2018.
4. Respondent's license was granted on the understanding that the application fee would be paid.
5. On July 2018, Kansas.gov, the organization that processed the payment, notified the Kansas Insurance Department ("KID") that the electronic check was returned.
6. KID staff tried to contact Respondent by email to remedy the situation.
7. Respondent did not respond.
8. KID staff sent Respondent a letter on August 28, 2018 to follow up and he 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.
 - (b) Before approving the application, the commissioner shall determine that the applicant:
 - (3) has paid a nonrefundable fee in the amount of \$30; and
 - (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.

- (3) Whenever the commissioner requires fingerprinting, a background check, or both, any associated costs shall be paid by the applicant.
- 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:
 - Used any fraudulent, coercive, or dishonest practice, or demonstrating any incompetence, untrustworthiness or *financial irresponsibility* (emphasis added) in the conduct of business.” K.S.A. 40-4909(a)(8)

Policy Reasons

1. It is in the public interest that the license of an agent who has demonstrated incompetence, untrustworthiness, or financial irresponsibility in the conduct of business in this state or elsewhere be revoked.

Conclusions of Law

1. The Commissioner has jurisdiction over **ELIJAH S. HERRIG** 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 **ELIJAH S. HERRIG** has demonstrated financial irresponsibility in the conduct of business in this state by not paying the application fee for the license.
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 **ELIJAH S. HERRIG**, 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 **ELIJAH S. HERRIG** is hereby **REVOKED** the effective date of this Order.
2. **IT IS FURTHER ORDERED** that **ELIJAH S. HERRIG** 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 18 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 AND OPPORTUNITY FOR HEARING

ELIJAH S. HERRIG, 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.

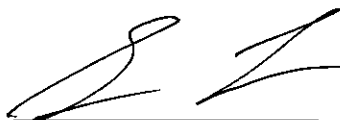
In the event the Respondent files a petition for judicial review, the agency officer designated pursuant to K.S.A. 77-613(e) to receive service of a petition for judicial review on behalf of the Kansas Insurance Department is:

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

Elijah S. Herrig
1852 Anderson Ave., APT 6
Manhattan, KS 66502-3681



Steven Lehwald
Staff Attorney