

**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 JEREMIAH W. HOESLI,) Docket No.: 70260
NPN 18571997)

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 proposes to find facts and deny the application of Jeremiah W. Hoesli ("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 a Kansas Resident insurance agent license on November 2, 2017.
2. By letter dated November 8, 2017, KID staff notified Applicant that his application was denied based on incorrect, misleading, incomplete, or untrue application information and a misdemeanor conviction for theft. 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.
3. Applicant timely requested a hearing as provided in the letter and was set to appear for a prehearing conference on January 9, 2018. The prehearing conference needed to be rescheduled due to an unexpected event for the Presiding Officer.
4. The Presiding Officer's staff attempted to contact Applicant by phone and by email to notify him of the issue and to reschedule the prehearing conference on January 8, 2018. Applicant did not respond. The Presiding Officer's staff attempted to contact him several other times to no avail over the next few weeks.
5. 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

6. "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).
7. 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

8. Applicant has been properly served notice of the proposed action and facts relied upon and notice of the Hearing.
9. The Commissioner has jurisdiction over Applicant as well as the subject matter of this proceeding, and such proceeding is held in the public interest.
10. The Commissioner finds that Applicant has failed to participate in the adjudicative proceeding 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 the 8th day of November, 2017 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 6th DAY OF February 2018, 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. 9th 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 6th day of February, 2018, by causing the same to be placed in the United States Mail, first class postage prepaid, addressed to the following:

Jeremiah W. Hoesli
7623 410 Rd.
Fredonia, KS 66736-7323

Sherri Kelly
Administrative Assistant