

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

In the Matter of the Kansas Nonresident )  
Insurance Agent's License of ) Docket No. 70773  
**JAMES E. DICKS** )  
NPN: # 17682863 )

**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, **JAMES E. DICKS** ("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 nonresident insurance agent on August 17, 2015 and remains licensed to date.
2. Respondent's legal (nonresidential) address of record is 8780 Seton St., Westminster, CO 80031-3661.
3. On September 15, 2017, the Kansas Insurance Department ("KID") received notice from TIAA-CREF Individual and Institutional Services, LLC ("TIAA") that Respondent was terminated for cause on August 17, 2017.
4. TIAA conducted an investigation that covered a time period from 2015 to 2017. The investigation found that Respondent informed customers they would be able to default on their loans instead of turning in the necessary forms to use the remaining funds in accounts to pay off loans.
5. TIAA's investigation found that Respondent failed to explain all the consequences of defaulting on their loans.
6. The investigation also found that Respondent would change the customer's account information from their actual bank account and put in a fictitious routing and account number. Respondent informed investigators that he used the fake account number to change customer's ACH payments to monthly check payments in order for the loan to go into default status once they failed to make the required payments.
7. Respondent told investigators that he was taught this practice by other employees and that his role was to "educate participants on all their options relating to loan repayment." Respondent did not inform investigators who it was that taught him this practice.
8. TIAA's investigation found that nine customers were affected by Respondent's activities.
9. KID sent Respondent a letter dated December 14, 2017, requesting him to respond to the allegations. KID has not received a response to date.

### Applicable Law

- 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 dishonest practices or untrustworthiness in the conduct of business be revoked.

### Conclusions of Law

1. The Commissioner has jurisdiction over **JAMES E. DICKS** 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 **JAMES E. DICKS** has demonstrated dishonesty or untrustworthiness in the conduct of business.
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 **JAMES E. DICKS**, pursuant to K.S.A. 40-4909(a) and (b).

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

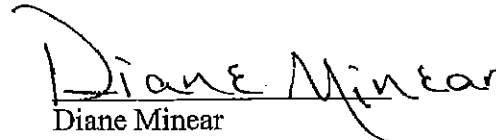
1. The Kansas nonresident Insurance Agent's License of **JAMES E. DICKS** is hereby **REVOKED** the effective date of this Order.
2. **IT IS FURTHER ORDERED** that **JAMES E. DICKS** shall **CEASE** and **DESIST** from the sale, solicitation or negotiation of insurance and/or receiving compensation deriving from the sale, solicitation or negotiation of insurance conducted after the effective date of this Order.

IT IS SO ORDERED THIS 3 DAY OF January, 2018, IN THE CITY OF TOPEKA, COUNTY OF SHAWNEE, STATE OF KANSAS.



Ken Selzer, CPA  
Commissioner of Insurance

BY:

  
Diane Minear  
General Counsel

**NOTICE AND OPPORTUNITY FOR HEARING**

JAMES E. DICKS, 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. 9<sup>th</sup> 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. 9<sup>th</sup> St.  
Topeka, Kansas 66612

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that he served the above and foregoing Summary Order on this 3 day of January, 2018, by causing the same to be deposited in the United States Mail, first class postage prepaid, addressed to the following:

James E. Dicks  
8780 Seton St.  
Westminster, CO 80031-3661

  
Steven Lehwald  
Staff Attorney