

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

In the Matter of the Kansas Resident)
Insurance Agent's License of)
MATTHEW MCLIN)
NPN: # 16552318)

Docket No. 73296

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, **MATTHEW MCLIN** ("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 April 13, 2012, and remains licensed to date.
2. Respondent's legal (residential) address of record is 14361 S. Gallery St., Olathe, KS 66062-8836.
3. On February 18, 2018, the Kansas Insurance Department ("KID") received a complaint from Yogi Gupta.
4. The complaint advised Respondent failed to properly advise the client and willful misrepresentation.
5. After further inquiry, KID investigators in the Consumer Assistance Division found Respondent did the following:
 - a. Promised insurability of multiple properties which did not fall within Farmer's underwriting guidelines.
 - b. Provided false proof of insurance on certain properties and gave that to insured, assuring him that he was covered.
 - c. Failed to process automobile policy and lied to insured when he inquired about it.
 - d. Failed to communicate with insured and mortgage company regarding the issues that arose.
 - e. Failed to process Subscription Agreement in a timely fashion, resulting in the policy cancelling for the insured.
6. KID sent a letter to Respondent on June 4, 2018 detailing the allegations and asking for a response.
7. Respondent did not respond to the letter.

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:
 - (5) Intentionally misrepresented the provisions, terms and conditions of an actual or proposed insurance contract or application for insurance.
 - (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.”
 - (16) Made any misleading representation or incomplete comparison of policies to any person for the purposes of inducing or tending to induce such person to lapse, forfeit or surrender such person's insurance then in force.” K.S.A. 40-4909(a)

Policy Reasons

1. It is in the public interest that the license of an agent who has intentionally misrepresented the provisions, terms and conditions of an actual or proposed insurance contract or application for insurance be revoked.
2. It is in the public interest that the license of an agent who has used fraudulent conduct or demonstrated any incompetence, untrustworthiness or financial irresponsibility in the conduct of business be revoked.
3. It is the public interest that the license of an agent who has made any misleading representation or incomplete comparison of policies to any person for the purposes of inducing or tending to induce such person to lapse, forfeit or surrender such person's insurance then in force be revoked.

Conclusions of Law

1. The Commissioner has jurisdiction over **MATTHEW MCLIN** 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 **MATTHEW MCLIN** intentionally misrepresented the provisions, terms and conditions of an actual or proposed insurance contract or application for insurance.
3. The Commissioner finds that Respondent’s Kansas license may be revoked because **MATTHEW MCLIN** used fraudulent conduct or demonstrated any incompetence, untrustworthiness or financial irresponsibility in the conduct of business in this state.
4. The Commissioner finds that Respondent’s Kansas license may be revoked because **MATTHEW MCLIN** made misleading representation or incomplete comparison of policies to any person for the purposes of inducing or tending to induce such person to lapse, forfeit or surrender such person's insurance then in force.

5. 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.
6. Accordingly, the Commissioner concludes that sufficient grounds exist for the revocation of the insurance agent's license of **MATTHEW MCLIN**, 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 **MATTHEW MCLIN** is hereby **REVOKED** the effective date of this Order.
2. **IT IS FURTHER ORDERED** that **MATTHEW MCLIN** 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 26 DAY OF July, 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

Matthew McLin, 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 26 day of July, 2018, by causing the same to be deposited in the United States Mail, first class postage prepaid, addressed to the following:

Matthew McLin
14361 S. Gallery St.
Olathe, KS 66062-8836



Steven Lehwald
Staff Attorney