

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

In the Matter of the Kansas Resident)
Insurance Agent's License of)
KELLEN C. MCMAHON)
NPN: # 18806855)

Docket No. 73709

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, **KELLEN C. MCMAHON** ("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 June 27, 2018, and remains licensed to date.
2. Respondent's legal (residential) address of record is 7401 Greeley Ave., Kansas City, KS 66109-2451.
3. On June 4, 2018, Respondent submitted an application for a Kansas resident individual insurance agent license ("Application").
4. The application appeared to be submitted by an authorized submitter. An applicant is ultimately responsible for the information found on the application.
5. Background Question 1a under Item 38 of the application asks, "Have you ever been convicted of a misdemeanor, had a judgment withheld or deferred, or are you currently charged with committing a misdemeanor?"
6. Respondent answered "No."
7. [REDACTED]
8. The Commissioner finds a conviction within the past two years to be considered "recent."
9. On June 27, 2018, a resident agent license was granted to Respondent by the Commissioner in error. Part of that error was based on the fact that Respondent had failed to disclose the conviction. The application would not have been granted but for the omission.

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:

- (1) Provided incorrect, misleading, incomplete or untrue information in the license application...[and/or]
- (6) Been convicted of a misdemeanor or felony.” K.S.A. 40-4909(a).” K.S.A. 40-4909(a)

Policy Reasons

1. It is in the public interest that the license of an agent who provided incorrect, misleading, incomplete or untrue information in the license application be revoked.
2. It is in the public interest that the license of an agent who has recently been convicted of a misdemeanor be revoked.

Conclusions of Law

1. The Commissioner has jurisdiction over **KELLEN C. MCMAHON** 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 **KELLEN C. MCMAHON** provided incorrect, misleading, incomplete or untrue information in the license application.
3. The Commissioner finds that Respondent’s Kansas license may be revoked because **KELLEN C. MCMAHON** was recently convicted of a misdemeanor.
4. 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.
5. Accordingly, the Commissioner concludes that sufficient grounds exist for the revocation of the insurance agent’s license of **KELLEN C. MCMAHON**, pursuant to K.S.A. 40-4909(a) and (b).

IT IS THEREFORE ORDERED BY THE COMMISSIONER OF INSURANCE THAT:

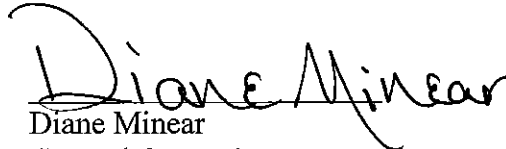
1. The Kansas nonresident Insurance Agent’s License of **KELLEN C. MCMAHON** is hereby **REVOKED** the effective date of this Order.
2. **IT IS FURTHER ORDERED** that **KELLEN C. MCMAHON** shall **CEASE** and **DESIST** from the sale, solicitation or negotiation of insurance and/or receiving compensation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

IT IS SO ORDERED THIS 10 DAY OF July, 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

KELLEN C. MCMAHON, 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.

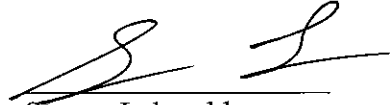
In the event the Respondent files a petition for judicial review, the agency officer designated pursuant to K.S.A. 77-613(e) to receive service of a petition for judicial review on behalf of the Kansas Insurance Department is:

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

Kellen C. McMahon
7401 Greeley Ave.
Kansas City, KS 66109-2451

A handwritten signature in black ink, appearing to read 'S L', written over a horizontal line.

Steven Lehwald
Staff Attorney