

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

In the Matter of the Kansas Nonresident)
Insurance Agent's License of) Docket No. 75854
DEREK PORRAS)
NPN: # 17902015)

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, **DEREK PORRAS** ("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

1. Respondent was licensed as a Kansas nonresident insurance agent on April 13, 2016, and remains licensed to date.
2. Respondent's legal (residential) address of record is 702 W Main St., Weatherford, OK 73096.
3. On September 24, 2018, the Kansas Insurance Department ("KID") received a notice of termination for cause for Respondent from Washington National. The notice advised Respondent was terminated due to violating your contractual agreement with Washington National.
4. Specifically, Washington National's investigation found:
 - a. Respondent submitted forty-two (42) insurance applications between September 2016 and September 2017 all using his personal residential address as the applicant's address on record.
 - b. Respondent included his personal bank account information for some of the forty-two premium payment service plans.
5. KID sent Respondent a letter on November 19, 2018 listing the allegations and requesting a response. Respondent did not reply.

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." K.S.A. 40-4909(a)

Policy Reasons

1. It is in the public interest that the license of an agent who 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 any fraudulent, coercive, or dishonest practice, or demonstrated any 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 **DEREK PORRAS** 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 **DEREK PORRAS** intentionally misrepresented the provisions, terms and conditions of an actual or proposed insurance contract or application.
3. The Commissioner finds that Respondent's Kansas license may be revoked because **DEREK PORRAS** has 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.
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 **DEREK PORRAS**, pursuant to K.S.A. 40-4909(a) and (b).

IT IS THEREFORE ORDERED BY THE COMMISSIONER OF INSURANCE THAT:

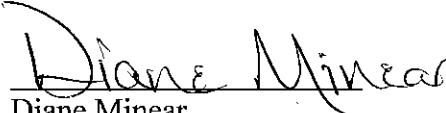
1. The Kansas Nonresident Insurance Agent's License of **DEREK PORRAS** is hereby **REVOKED** the effective date of this Order.
2. **IT IS FURTHER ORDERED** that **DEREK PORRAS** shall **CEASE** and **DESIST** from the sale, solicitation or negotiation of insurance and/or receiving compensation deriving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

IT IS SO ORDERED THIS 10 DAY OF December, 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

DEREK PORRAS, 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.

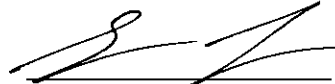
In the event the Respondent files a petition for judicial review, the agency officer designated pursuant to K.S.A. 77-613(e) to receive service of a petition for judicial review on behalf of the Kansas Insurance Department is:

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

Derek Porras
702 W Main St.
Weatherford, OK 73096



Steven Lehwald
Staff Attorney