

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

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| In the Matter of the Application for |) | |
| Kansas Nonresident Excess Lines License of |) | Docket No. 74335 |
| Daisy Janitza Roldan |) | |
| NPN 9060973 |) | |

CONSENT AGREEMENT AND ORDER
(Pursuant to K.S.A. 40-4909 and K.S.A. 77-501 *et seq.*)

Pursuant to the authority granted to the Commissioner of Insurance (“Commissioner”) by K.S.A. 40-103 and in accordance with K.S.A. 40-4901 *et seq.*, and K.S.A. 77-501 *et seq.*, the Commissioner hereby accepts the stipulations of the parties, and grants the application of Daisy Janitza Roldan (“Applicant”) for a Kansas nonresident excess lines license as outlined in this order. This Consent Agreement shall become effective as a Final Order, without further notice when signed by the Commissioner or his designee and filed of record with the Kansas Insurance Department (“KID”).

FINDINGS OF FACT

1. Applicant is a resident of Miami, Florida.
2. Applicant submitted to KID an application for a Kansas nonresident excess lines license.
3. Applicant acknowledged prior administrative actions in Kansas for failure to file and respond to license actions.
4. Applicant had her Kansas nonresident excess lines license revoked by way of summary order on May 24, 2018 due to a failure to pay the statutory penalty of \$100 for the late filing of the 2017 annual report and tax remittance for excess lines.
5. Applicant acknowledges the right to have a hearing on the facts and disposition and to seek review of any adverse order in this matter has been fully and satisfactorily explained.
6. In lieu of a hearing and uncertain disposition, Applicant acknowledges that legal grounds exist for denial of the license application and agrees, as consideration for issuance of the license, to entry of an order making a record of her conduct and agrees to pay costs of additional investigation and the hearing proceeding.
7. Applicant expressly waives hearing and stipulates that violating provisions of Chapter 40 of the Kansas Statutes Annotated, any order of the Commissioner, or any law or order of the regulatory official for insurance of another state constitute legal and sufficient grounds for denial of an application for a license.

8. Applicant stipulates that the Commissioner has jurisdiction of her person and the subject matter of this action.
9. For purposes of an agreed order, Applicant waives any and all rights to administrative and judicial review, expressly including any challenge to the Commissioner's authority to assess costs of investigation and hearing.
10. Applicant acknowledges that any misrepresentation or material omission in the application and supporting documents, or a new offense or violation, would constitute grounds for immediate suspension or revocation of the license.
11. Applicant acknowledges that the Commissioner's order must be reported to a database accessible to insurance companies and other regulators and will be an open record accessible to the public and posted on KID's website.

APPLICABLE LAW

K.S.A. §40-4909(a) provides, in relevant part:

“(2) Violated:

- (A) Any provision of chapter 40 of the Kansas Statutes Annotated, and amendments thereto, or any rule and regulation promulgated thereunder;
- (B) any subpoena or order of the commissioner;
- (C) any insurance law or regulation of another state; or
- (D) any subpoena or order issued by the regulatory official for insurance in another state.

K.S.A. § 40-4909(c) provides, in relevant part:

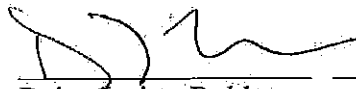
“Any action taken under this section which affects any license or imposes any administrative penalty shall be taken only after notice and an opportunity for hearing conducted in accordance with the provisions of the Kansas administrative procedures act.”
K.S.A. 40-4909(c).

CONCLUSIONS OF LAW


1. The Commissioner has jurisdiction over Applicant as well as the subject matter of this proceeding, and such proceeding is held in the public interest.
2. The Commissioner finds that Applicant's application may be denied pursuant to K.S.A. 40-4909(a)(2) because Applicant violated K.S.A. 40-246c and K.S.A. 40-246(b)(d).
3. However, the Commissioner has discretion to find that the circumstances do not require denial of the license.
4. In reliance upon the fact that the Applicant's previous actions were related to a failure to file and pay the statutory penalty in regards to Excess Lines and involved no harm to the consumers, the Commissioner finds that Applicant should be sanctioned for her previous history but does not appear to be a risk to the public.

STIPULATION

I hereby certify that all statements and information I provided in connection with my application for a Kansas nonresident excess lines license are now true and complete. I further stipulate and agree to the above findings, facts, and conclusions of law and waive my rights to an administrative hearing and judicial review of the Commissioner's Order.


Daisy Janitza Roldan 8/7/2018
Applicant Date

Prepared by:


Steven M. Lehwald, 26069
Staff Attorney, KID

ORDER

Before issuing an insurance agent license, the Commissioner must determine that the applicant is qualified and has not committed any act that would be grounds for denial, suspension, or revocation. K.S.A. 40-4905(b) and 40-4906. Further, the Commissioner may revoke any license issued under the Insurance Agents Licensing Act if the Commissioner finds that the interests of the insurer or the insurable interests of the public are not properly served under the license. The following action is appropriate to promote the security and integrity of the insurance business and protect insurance consumers by licensing, or continuing to license, persons or entities to sell, solicit, or negotiate insurance in the State of Kansas only if their conduct indicates they are both qualified and trustworthy.

IT IS THEREFORE ORDERED BY THE COMMISSIONER OF INSURANCE THAT

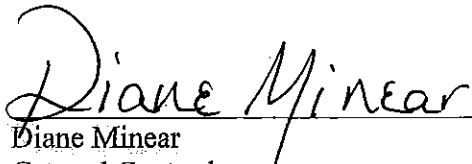
- 1. Applicant Daisy Janitza Roldan shall pay investigative and hearing costs in the amount of \$100.00, receipt of which is hereby acknowledged.**
- 2. Applicant Daisy Janitza Roldan shall pay a \$100 fine in order to resolve the 2018 revocation order in docket number 73129.**
- 3. Upon receipt of payment, the summary order in 73129 will be resolved.**
- 4. The Kansas Insurance Department shall issue a Kansas nonresident excess lines license to Daisy Janitza Roldan effective on the date of this order.**
- 5. Licensee shall disclose the existence of this order on any company or licensing authority application as a disciplinary action involving the license.**

IT IS SO ORDERED THIS 20 DAY OF August, 2018, IN THE CITY OF TOPEKA, COUNTY OF SHAWNEE, STATE OF KANSAS.



Ken Selzer, CPA
Commissioner of Insurance

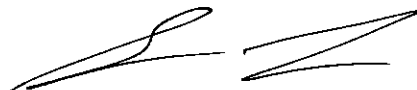
BY:


Diane Minear
General Counsel

CERTIFICATE OF SERVICE

The undersigned hereby certifies that he served a true and correct copy of the above and foregoing Consent Agreement & Order and accompanying Notice of Rights on this 20 day of August 2018 by causing the same to be placed in the United States Mail, first class postage prepaid, addressed to the following:

Daisy Janitza Roldan
3130 Bird Avenue Apt. 8
Miami, FL 33133-4400


Steven M. Lehwald, #26069
Staff Attorney