

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

In the Matter of the Kansas Nonresident)
Insurance Agent's License of) Docket No. 72595
WHITNEY ROTH)
NPN: # 17295304)

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, **WHITNEY ROTH** ("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 15, 2016 and remains licensed to date.
2. Respondent's legal (residential) address of record is listed as 31249 145th Ave, Long Grove, IA 52756. However, a review of an agent discipline order out of Iowa reveals that the proper address is 817 20th Avenue North, Clinton, IA 52732.
3. The Chesapeake Life Insurance Company ("Chesapeake") notified the Kansas Insurance Department ("KID") that it believed Respondent submitted applications for insurance without the consent of consumers.
4. The investigation found that Respondent misrepresented identifying and contact information in the applications for several consumers for a period of time between January 2016 and May 2017.
5. Specifically, Respondent filled out applications for coverage for D.H., J.T., G.Y., R.W., C.K., K.D., T.C., A.D., A.M., and D.D, all Kansas residents, without their knowledge or consent.
6. Additionally, Respondent submitted applications for persons that did not exist.
7. Respondent's agent license was revoked in her home state of Iowa by an order dated March 2, 2018 for the same conduct.

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:
 - (2) Violated:
 - (C) any insurance law or regulation of another state;;

- (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.
- (9) Had an insurance agent license, or its equivalent, denied, suspended or revoked in any other state, district or territory.
- (10) Forged another person's name to an application for insurance or to any document related to an insurance transaction." K.S.A. 40-4909(a)

Policy Reasons

1. It is in the public interest that the license of an agent who has demonstrated fraudulent conduct or that he or she has forged another person's name to an application for insurance or to any document related to an insurance transaction be revoked.
2. 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.
3. It is in the public interest that the license of an agent who has had their license revoked in their home state be revoked.

Conclusions of Law

1. The Commissioner has jurisdiction over **WHITNEY ROTH** 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 **WHITNEY ROTH** had her resident agent license revoked in Iowa.
3. The Commissioner finds that Respondent's Kansas license may be revoked because **WHITNEY ROTH** has forged another person's name to any document related to an insurance transaction.
4. The Commissioner finds that Respondent's Kansas license may be revoked because **WHITNEY ROTH** has used fraudulent conduct in the conduct of business in Kansas and elsewhere.
5. The Commissioner finds that Respondent's Kansas license may be revoked because **WHITNEY ROTH** intentionally misrepresented the provisions, terms and conditions of an actual or proposed insurance contract or application for insurance.
6. 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.

7. Accordingly, the Commissioner concludes that sufficient grounds exist for the revocation of the insurance agent's license of **WHITNEY ROTH**, pursuant to K.S.A. 40-4909(a) and (b).

IT IS THEREFORE ORDERED BY THE COMMISSIONER OF INSURANCE THAT:

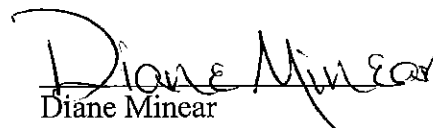
1. The Kansas nonresident Insurance Agent's License of **WHITNEY ROTH** is hereby **REVOKED** the effective date of this Order.
2. **IT IS FURTHER ORDERED** that **WHITNEY ROTH** shall **CEASE** and **DESIST** from the sale, solicitation or negotiation of insurance and/or receiving compensation deriving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

IT IS SO ORDERED THIS 19 DAY OF April, 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

WHITNEY ROTH, 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 19 day of Apr. 1, 2018, by causing the same to be deposited in the United States Mail, first class postage prepaid, addressed to the following:

Whitney Roth
817 20th Avenue North
Clinton, IA 52732



Steven Lehwald
Staff Attorney