

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

**In the Matter of the Application for a                    )**  
**Kansas Resident Insurance Agent's                    )**  
**License and for 1033 waiver of consent                )**  
**for CHERYL ANN TIDWELL,                                 )**         **Docket No.: 72487**  
**NPN 24946   )**

**PROPOSED DEFAULT ORDER**  
**(Pursuant to K.S.A. 40-4909 and K.S.A. 77-520)**

Pursuant to authority granted to the Commissioner of Insurance ("Commissioner") by K.S.A. 40-4909, the Commissioner hereby proposes to find facts and deny the application of Cheryl A. Tidwell ("Applicant") for a Kansas resident insurance agent's license and 1033 consent waiver by Default Order as provided by K.S.A. 77-520.

**Findings of Fact**

1. Records maintained by the Kansas Insurance Department ("KID") reflect that Applicant submitted an application for Kansas resident insurance agent license on January 17, 2018.
2. Applicant was convicted of a felony giving a worthless check, subjecting her to the requirements of 18 U.S.C. 1033 and requiring a 1033 application per federal law.
3. Applicant submitted the 1033 application on March 11, 2018.
4. By letter dated April 12, 2018, KID licensing staff notified Applicant that her application was denied by the KID 1033 review committee based on incorrect responses on the original application, Applicant's agent license history, the nature of her convictions, and the fact that she received the same conviction less than ten years after getting the felony.
5. The letter contained findings of fact, conclusions of law, and notice of KID's action, and it gave notice of the time and manner for requesting a hearing.
6. Applicant timely requested a hearing as provided in the letter and appeared by telephone for a prehearing conference on June 4, 2018.

7. At the prehearing conference, the matter was set for hearing at 1:30 p.m. on the 27<sup>th</sup> of June 2018 by telephone, and a prehearing order was served by mail to Applicant at the mailing address shown on her application.

8. Applicant was given a deadline of June 20, 2018 to submit her prehearing questionnaire and any documents she intended to use in the hearing.

9. The Kansas Insurance Department appeared by counsel, Steven M. Lehwald, and was ready to proceed with hearing.

10. Mr. Lehwald informed the Presiding Officer that he had not received any documentation from Applicant nor been in contact with her.

11. The Presiding Officer called the telephone number Applicant designated at precisely 1:30 p.m., and Applicant did not answer. Applicant's voice mailbox was full.

12. The Presiding Officer attempted to call again approximately 15 minutes later, and after receiving no answer, the hearing was adjourned.

13. The Presiding Officer is the Assistant Commissioner of Insurance acting on behalf of the Commissioner of Insurance as the agency head as provided in K.S.A. 77-547.

#### **Applicable Law**

14. "If a party fails to attend or participate in a prehearing conference, hearing, or other state of an adjudicative proceeding, the presiding officer may serve upon all parties written notice of a proposed default order, including a statement of the grounds." K.S.A. 77-520(a). "Within seven days after service of a proposed default order, the party against whom it was issued may file a written motion requesting that the proposed default order be vacated and stating the grounds relied upon." K.S.A. 77-520(b). Unless a written motion is filed within the time allowed, the proposed default order will become effective at the expiration of the time allowed. K.S.A. 77-520(c).

15. Pursuant to K.S.A. 77-526(a), the Presiding Officer, the Assistant Commissioner of Insurance acting on behalf of the Commissioner of Insurance as the agency head as provided in K.S.A. 77-547, is empowered to render a Final Order.

**Conclusions of Law**

- 16. Applicant has been properly served notice of the proposed action and facts relied upon and notice of the Hearing.
- 17. The Commissioner has jurisdiction over Applicant as well as the subject matter of this proceeding, and such proceeding is held in the public interest.
- 18. The Commissioner finds that Applicant has failed to appear for the hearing and a proposed default order may and should be served.

**IT IS THEREFORE ORDERED BY THE COMMISSIONER OF INSURANCE THAT** Applicant's hearing proceeding is DISMISSED, and the findings of fact, conclusions of law, and order contained in the letter mailed to Applicant on the 12th day of April 2018 are adopted by reference and made the final order of the Commissioner.

**Unless vacated by further order, this Proposed Default Order shall become effective as a Final Order at the expiration of the time for filing a motion to vacate the order.**

IT IS SO ORDERED THIS 27<sup>th</sup> DAY OF June, 2018, IN THE CITY OF TOPEKA, COUNTY OF SHAWNEE, STATE OF KANSAS.



Ken Selzer, CPA  
Commissioner of Insurance

BY:

  
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Clark Shultz  
Assistant Commissioner

**NOTICE**

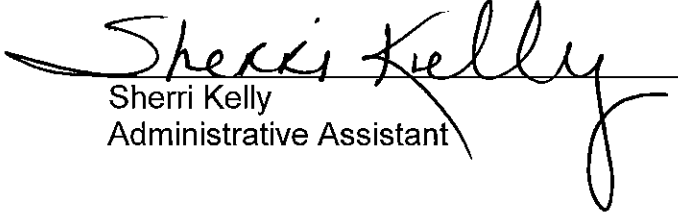
In the event Respondent files a Petition for Judicial Review, pursuant to K.S.A. 77-613(e), the agency officer to be served on behalf of the Kansas Insurance Department is:

Diane Minear, General Counsel  
Kansas Insurance Department  
420 S.W. 9<sup>th</sup> Street  
Topeka, Kansas 66612

**Certificate of Service**

The undersigned hereby certifies that he/she served a true and correct copy of the above and foregoing **Proposed Default Order** on this 27<sup>th</sup> day of June 2018, by causing the same to be placed in the United States Mail, first class postage prepaid, addressed to the following:

Cheryl A. Tidwell  
225 E Blair  
Lyons, KS 67554

  
Sherri Kelly  
Administrative Assistant