

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

In the Matter of the Kansas Resident            )  
Insurance Agent's License of                    )  
**TRISHA A. WIEHL**                                    )  
NPN: # 8830747                                    )

Docket No. 74361

**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, **TRISHA A. WIEHL** ("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 has a legal (residential) address of record of [REDACTED], Smith Center, KS [REDACTED] and a mailing address of record of [REDACTED] Smith Center, KS [REDACTED]
3. On February 13, 2018, the Kansas Insurance Department ("KID") received a complaint from Brian Wood, an attorney representing Buckeye Insurance Company ("Buckeye") out of Ohio.
4. Buckeye advised the following:
  - a. Respondent had a checkbook for an account belonging to Buckeye.
  - b. These draft checks provided Respondent with the ability to settle small claims from the local office for Buckeye customers.
  - c. Buckeye noticed an unusual number of draft checks were written to the same vendor during a specific period.
  - d. Buckeye discovered thirty three (33) draft checks were issued to SCI Body Shop in Kensington, KS, totaling \$100,888.58. These checks were written during the last quarter of 2017.
  - e. Buckeye's review found most of the checks written were claims filed against the comprehensive side of the coverage and were low dollar amounts.
    - i. Buckeye advised this would not affect consumer's premium rates.
  - f. Buckeye was not able to verify that SCI body shop existed.
  - g. Buckeye followed up on claim information with customers related to the questionable drafts and found:
    - i. [REDACTED] claimed no knowledge of any automobile claims and denied making any claims to his insurance in 2017. (Claim # [REDACTED] \$3,435.08 paid to S.C.I.

- ii. [REDACTED] claimed no claims were made to Buckeye Insurance in 2017. (Claim # [REDACTED] \$1,105.50 paid to S.C.I.)
  - iii. [REDACTED] verified a claim was made for an auto accident involving a deer; however, claimed vehicle was taken to Mace Auto Body in Smith Center, Kansas. (Claim # [REDACTED] \$3,435.08 paid to S.C.I.)
  - iv. [REDACTED] stated no claims were filed with Buckeye in 2017. (Claim # [REDACTED] \$1919.38 paid to S.C.I.)
  - v. [REDACTED] denied making any claims to his insurance in the past five (5) years. (Claim # [REDACTED] \$3435.a7 paid to S.C.I.)
5. KID investigators received a repair estimate invoice marked as coming from S.C.I. Body Shop located at 202 South Main, Kensington, KS, which accompanied each "agent draft authority" form submitted for the questionable checks.
  6. KID's investigation found or confirmed the following:
    - a. There were actually thirty six (36) questionable draft checks.
    - b. SCI body shop did not exist.
    - c. The total amount involved for the last quarter of 2017 was \$108,117.11
    - d. Customer [REDACTED] advised he never filed a claim.
    - e. Customer [REDACTED] and [REDACTED] advised they never filed the claims alleged.
    - f. Customer [REDACTED] stated he never filed a claim.
    - g. Customer [REDACTED] stated he never filed a claim.
    - h. Customer [REDACTED] stated he never filed a claim.
    - i. Customer [REDACTED] stated he never filed a claim.
  7. Respondent, in the presence of her attorney, admitted to KID investigators that she signed the checks, endorsed the checks with the initials "SCI", and submitted the agent draft authority along with an invoice listing SCI as a body shop that she designed to Buckeye on thirty-five separate checks.
  8. One check, totaling \$3,454.02, was signed by somebody other than Respondent.
  9. The total of the checks involved that Respondent admitted to amounted to \$104,663.09.
  10. Respondent's attorney told the KID investigator that Respondent was taking total responsibility for the matter.

#### 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:
    - (A) Any provision of chapter 40 of the Kansas Statutes Annotated, and amendments thereto, or any rule and regulation promulgated thereunder;...[and/or]
  - (4) Improperly withheld, misappropriated or converted any moneys or properties received in the course of doing insurance business.
  - (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)

- Pursuant to K.S.A. 40-2,118(a), "fraudulent insurance act" means an act committed by any person who, knowingly and with intent to defraud, presents, causes to be presented or prepares with knowledge or belief that it will be presented to or by an insurer, purported insurer, broker or any agent thereof, any written, electronic, electronic impulse, facsimile, magnetic, oral, or telephonic communication or statement as part of, or in support of, an application for the issuance of, or the rating of an insurance policy for personal or commercial insurance, or a claim for payment or other benefit pursuant to an insurance policy for commercial or personal insurance which such person knows to contain materially false information concerning any fact material thereto; or conceals, for the purpose of misleading, information concerning any fact material thereto.

#### Policy Reasons

1. It is in the public interest that the license of an agent who improperly withheld, misappropriated or converted any moneys or properties received in the course of doing insurance business be revoked.
2. 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.
3. It is in the public interest that the license of an agent who has committed a fraudulent act be revoked.

#### Conclusions of Law

1. The Commissioner has jurisdiction over **TRISHA A. WIEHL** 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 **TRISHA A. WIEHL** improperly withheld, misappropriated or converted any moneys or properties received in the course of doing insurance business.
3. The Commissioner finds that Respondent's Kansas license may be revoked because **TRISHA A. WIEHL** intentionally misrepresented the provisions, terms and conditions of an actual or proposed insurance contract or application for insurance.
4. The Commissioner finds that Respondent's Kansas license may be revoked because **TRISHA A. WIEHL** committed a fraudulent act.
5. 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.
6. Accordingly, the Commissioner concludes that sufficient grounds exist for the revocation of the insurance agent's license of **TRISHA A. WIEHL**, 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 **TRISHA A. WIEHL** is hereby **REVOKED** the effective date of this Order.
2. **IT IS FURTHER ORDERED** that **TRISHA A. WIEHL** 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 9 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

**NOTICE AND OPPORTUNITY FOR HEARING**

**TRISHA A. WIEHL**, 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. 9<sup>th</sup> 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. 9<sup>th</sup> St.  
Topeka, Kansas 66612

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that he served the above and foregoing Summary Order on this 9 day of August, 2018, by causing the same to be deposited in the United States Mail, first class postage prepaid, addressed to the following:

Trisha A. Wiehl  
P.O. Box 147  
Smith Center, KS 66967-2918  
*Respondent*

Richard Dietz  
Dietz & Hardman Law Office  
115 S First St.  
Osborne, KS 67473  
*Attorney for Respondent*

  
Steven Lehwald  
Staff Attorney