

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

In the Matter of the Kansas Resident )  
Insurance Agent's License of ) Docket No. 80250  
**JOSHUA J. DAVIS** )  
NPN: # 18945233 )

**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, **JOSHUA J. DAVIS** ("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 October 29, 2018, and remains licensed to date.
2. Respondent's legal (residential) address of record is [REDACTED], Salina, KS [REDACTED]
3. On August 28, 2019, the Kansas Insurance Department ("Department") learned that Respondent was convicted of a misdemeanor in Saline County District Court.
4. Department staff researched the matter and found that Respondent was convicted of [REDACTED]
  - a. [REDACTED]
5. The Department sent a letter to Respondent on September 11, 2019 to his mailing address inquiring about the matter. The letter was returned undeliverable on September 16, 2019.
6. Respondent, to this date, has not notified the Department of the conviction.

**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:
  - (6) Been convicted of a misdemeanor or felony." K.S.A. 40-4909(a)
- Pursuant to K.A.R. 40-7-9, "Agents; change in the information contained on the most recent application for a license. Each person licensed in this state as an insurance agent shall report the following to the commissioner of insurance within 30 days of occurrence:

- (c) each judgment or injunction entered against the licensee on the basis of conduct involving fraud, deceit, or misrepresentation, or a violation of any insurance law;
- (d) all details of any conviction of a misdemeanor or felony. The details shall include the name of the arresting agency, the location and date of the arrest, the nature of the charge or charges, the court in which the case was tried, and the disposition rendered by the court. Minor traffic violations may be omitted;”  
K.A.R. 40-7-9

### Policy Reasons

1. It is in the public interest that the license of an agent who failed to notify the Department of a conviction and failed to respond to an inquiry about the conviction be revoked.

### Conclusions of Law

1. The Commissioner has jurisdiction over **JOSHUA J. DAVIS** 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 **JOSHUA J. DAVIS** was recently convicted of a misdemeanor.
3. The Commissioner finds that Respondent’s Kansas license may be revoked because **JOSHUA J. DAVIS** failed to notify the Commissioner of his recent criminal conviction.
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 **JOSHUA J. DAVIS**, pursuant to K.S.A. 40-4909(a) and (b).

### **IT IS THEREFORE ORDERED BY THE COMMISSIONER OF INSURANCE THAT:**

1. The Kansas resident Insurance Agent’s License of **JOSHUA J. DAVIS** is hereby **REVOKED** the effective date of this Order.
2. **IT IS FURTHER ORDERED** that **JOSHUA J. DAVIS** 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 21<sup>st</sup> DAY OF October, 2019, IN THE CITY OF TOPEKA, COUNTY OF SHAWNEE, STATE OF KANSAS.



Vicki Schmidt  
Commissioner of Insurance

BY:

  
Justin L. McFarland  
General Counsel

**NOTICE AND OPPORTUNITY FOR HEARING**

**JOSHUA J. DAVIS**, 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:

Justin L. McFarland, 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:

Justin L. McFarland, 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 20th day of October, 2019, by causing the same to be deposited in the United States Mail, first class postage prepaid, addressed to the following:

Joshua J. Davis

[REDACTED]  
Salina, KS [REDACTED]

  
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Toni Garrard  
Senior Administrative Assistant