

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

In the Matter of the Kansas Nonresident        )  
Insurance Agent’s License of                    )  
**TARA K. GERBER**                                    )  
NPN: # 7976371                                    )                    Docket No. 78214

**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, **TARA K. GERBER** (“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 December 30, 2016, and remains licensed to date.
2. On February 7, 2019, the Kansas Insurance Department (“KID”) received a notice from American Family Insurance (“American Family”) that Respondent was terminated for cause effective November 2, 2018 for premium misappropriation.
3. American Family’s investigation found that Respondent:
  - a. Personally accepted payments on behalf of American Family without applying the payments to customers’ billing accounts appropriately.
  - b. Reinstated policies without applying payments to the customer’s billing accounts.
  - c. Changed customer addresses on billing accounts to fictitious addresses so insureds would not receive bills or cancellation notices.
  - d. Used customer credit/debit card information to apply payments to accounts unrelated to the cardholder.
  - e. Applied a customer’s credit card payment to Respondent’s own personal account and received a refund check of the funds.
4. Respondent’s insurance agent license in her home state of Arizona expired on April 1, 2019.

**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;

- (4) Improperly withheld, misappropriated or converted any moneys or properties received in the course of doing insurance business.
- (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. 40-4909(b), “In addition, the commissioner may suspend, revoke or refuse renewal of any license issued under this act if the commissioner finds that the interests of the insurer or the insurable interests of the public are not properly served under such license.” K.S.A. 40-4909(b)

### Policy Reasons

1. It is in the public interest that the license of an agent who improperly withheld or misappropriated money received in the course of doing insurance business be revoked.
2. It is in the public interest that the license of an agent who used fraudulent, dishonest, untrustworthy or financially irresponsible practices in the conduct of business be revoked.
3. It is in the public interest that the license of a nonresident agent who does not have a license in good standing in their home state be revoked.

### Conclusions of Law

1. The Commissioner has jurisdiction over **TARA K. GERBER** 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 **TARA K. GERBER** improperly withheld or misappropriated money received in the course of doing insurance business.
3. The Commissioner finds that Respondent’s Kansas license may be revoked because **TARA K. GERBER** used fraudulent, dishonest, untrustworthy or financially irresponsible practices in the conduct of business.
4. The Commissioner finds that Respondent’s Kansas license may be revoked because **TARA K. GERBER** does not have a license in good standing in her home state.
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 **TARA K. GERBER**, 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 **TARA K. GERBER** is hereby **REVOKED** the effective date of this Order.
2. **IT IS FURTHER ORDERED** that **TARA K. GERBER** 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 2nd DAY OF May, 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**

**TARA K. GERBER**, 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:

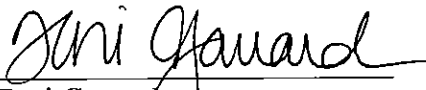
Justin L. McFarland, General Counsel  
Kansas Insurance Department  
420 S.W. 9<sup>th</sup> St.  
Topeka, Kansas 66612

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that she served the above and foregoing Summary Order on this 2nd day of May, 2019, by causing the same to be deposited in the United States Mail, first class postage prepaid, addressed to the following:

Tara K. Gerber

[REDACTED]  
Gilbert, AZ [REDACTED]

  
Toni Garrard  
Senior Administrative Assistant