

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

In the Matter of the Kansas Nonresident)
Insurance Agent's License of) Docket No. 78535
JOHN T. KRAINER)
NPN: # 19028168)

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 nonresident agent's license of Respondent, **JOHN T. KRAINER** ("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

1. On May 10, 2019, Respondent submitted an application for a Kansas nonresident individual insurance agent license ("Application").
2. Background Question 1b under Item 38 of the application asks, "Have you ever been convicted of a felony, had a judgment withheld or deferred, or are you currently charged with committing a felony?"
3. Respondent answered "Yes."
4. Respondent provided supporting documentation which showed the following convictions:
 - a. [REDACTED]
5. Respondent provided an explanation for the convictions [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED] Respondent did not explicitly state what he did that night.
6. Staff reviewed the application and supporting documentation and believed the seriousness of the conduct and convictions far outweighed the passage of time and other mitigating factors presented by Respondent. Staff intended to deny Respondent's application.

7. On May 13, 2019, Respondent's application was approved by the Commissioner in error. Staff intended to deny Respondent's application, but an employee mistakenly granted the license without approval from the Director of Producer Licensing.
8. Respondent remains licensed to date.

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.S.A. 40-4909(b), "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

- It is in the public interest that the license of an agent who has been convicted of a serious felony involving harm to others be revoked.
- The insurable interests of the public are not properly served by Respondent's license.

Conclusions of Law

1. The Commissioner has jurisdiction over **JOHN T. KRAINER** 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 **JOHN T. KRAINER** was convicted of a serious felony involving harm to others.
3. 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.
4. Accordingly, the Commissioner concludes that sufficient grounds exist for the revocation of the insurance agent's license of **JOHN T. KRAINER**, 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 **JOHN T. KRAINER** is hereby **REVOKED** the effective date of this Order.
2. **IT IS FURTHER ORDERED** that **JOHN T. KRAINER** 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 31st 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

JOHN T. KRAINER, 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. 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:

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

CERTIFICATE OF SERVICE

The undersigned hereby certifies that she served the above and foregoing Summary Order on this 31st day of May, 2019, by causing the same to be deposited in the United States Mail, first class postage prepaid, addressed to the following:

John T. Krainer
[REDACTED]
Denver, CO [REDACTED]



Toni Garrard
Senior Administrative Assistant