

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

In the Matter of the Kansas Non-Resident)
Insurance Agent's License of) Docket No. 73324
SAMANTHA OWENS)
NPN: # 17654218)

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, **SAMANTHA OWENS** ("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 non-resident insurance agent on July 28, 2015, and remains licensed to date.
2. Respondent's legal (residential) address of record is [REDACTED] Omaha, NE [REDACTED].
3. On April 4, 2018, Respondent's contract with Mutual of Omaha Insurance Company ("Mutual of Omaha") was cancelled.
4. On May 16, 2018, the Kansas Insurance Department ("KID") received a notice of termination for cause for Respondent from Mutual of Omaha.
5. Mutual of Omaha advised they found the following:
 - a. Respondent received direct phone calls to her extension from blocked numbers, all from customers with similar or the same attributes requesting \$25,000 in coverage.
 - b. Addresses for multiple customers of blocked phone numbers either did not exist, or were associated with residents unrelated to policies Respondent sold.
 - c. Initial premiums for policies Respondent sold were returned as "unable to locate."
 - d. Respondent failed to notify KID of her change in address pursuant to K.A.R. 40-7-9(f).
6. On June 5, 2018, KID sent a letter to Respondent detailing the allegations and asking for a response.
7. On June 11, 2018 Respondent responded to KID's June 5, 2018 letter denying the allegations.
8. On December 17, 2018, the Nebraska Department of Insurance revoked Respondent's resident agent license by Consent Order (#A-2167) for violation of Nebraska insurance laws related to the aforementioned conduct.

Applicable Law

- Pursuant to K.S.A. 40-4906(a), “Unless denied licensure pursuant to K.S.A. 40-4909, and amendments thereto, a nonresident person shall receive a nonresident agent license if:
 - (1) Such person is currently licensed as a resident and in good standing in such person's home state;” K.S.A. 40-4906(a)
- 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;
 - (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.
 - (9) Had an insurance agent license, or its equivalent, denied, suspended or revoked in any other state, district or territory.” K.S.A. 40-4909(a)

Policy Reasons

1. It is in the public interest that the license of an agent who has violated any insurance law or regulation of another state be revoked.
2. It is in the public interest that the license of an agent who has used fraudulent, coercive, or dishonest practice, or demonstrated any incompetence, untrustworthiness or financial irresponsibility in the conduct of business in this state or elsewhere be revoked.
3. It is in the public interest that the nonresident license of an agent who had their insurance license revoked in their home state be revoked.

Conclusions of Law

1. The Commissioner has jurisdiction over **SAMANTHA OWENS** 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 **SAMANTHA OWENS** violated insurance laws in Nebraska.
3. The Commissioner finds that Respondent’s Kansas license may be revoked because **SAMANTHA OWENS** used fraudulent, coercive, or dishonest practices, or demonstrated incompetence, untrustworthiness or financial irresponsibility in the conduct of business in this state or elsewhere.
4. The Commissioner finds that Respondent’s Kansas license may be revoked because **SAMANTHA OWENS** had her agent license revoked in her home state of Nebraska.
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 **SAMANTHA OWENS**, 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 **SAMANTHA OWENS** is hereby **REVOKED** the effective date of this Order.
2. **IT IS FURTHER ORDERED** that **SAMANTHA OWENS** 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 8th DAY OF February, 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

SAMANTHA OWENS, 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 he served the above and foregoing Summary Order on this ^{5th} day of February 2019, by causing the same to be deposited in the United States Mail, first class postage prepaid, addressed to the following:

Samantha Owens

[Redacted]
Omaha, NE [Redacted]



Toni Garrard
Senior Administrative Specialist