

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

In the Matter of the Kansas Resident)	
Insurance Agent's License of)	
OYUN A. VEGA,)	Docket No.: 77902
NPN 8887308)	
and the Agency License of)	
TONY VEGA ENTERPRISE, LLC)	
License No. 825260863-000)	

EMERGENCY EX PARTE ORDER OF SUSPENSION
(Pursuant to K.S.A. 40-4909 and K.S.A. 77-536)

Now on this 25th day of April 2019, this matter comes before the Commissioner upon a Motion for *Ex Parte* Emergency Order of Suspension. Steven M. Lehwald, Staff Attorney filed a Motion for *Ex Parte* Emergency Order of Suspension for the license of OYUN A. VEGA ("Respondent") and TONY VEGA ENTERPRISE, LLC ("Agency"). There are no other appearances.

The Commissioner has reviewed the file for Docket No. 77902 and finds, concludes, and orders as follows:

1. This is a motion for an order pursuant to K.S.A. 40-4909 and 77-536. Under those statutes, the Commissioner may issue an order without notice and hearing, and may temporarily limit or suspend a license if the Commissioner finds an imminent danger to the public health, safety, or welfare.
2. The Commissioner has received and reviewed a Motion for Emergency *Ex Parte* Order suspending Respondent's and Agency's license filed with the Commissioner on April 25, 2019. The motion requests an emergency suspension of Respondent's license and Agency's license.
3. The motion for an emergency order in the above captioned case alleges:
 - i. Respondent is actively licensed as a resident insurance agent in the State of Kansas.
 - ii. Agency is actively licensed as a resident insurance agency in the State of Kansas and Respondent is the owner and only affiliated producer.

- iii. The Kansas Insurance Department (“KID”) issued a Summary Order dated April 25, 2019, proposing to revoke Respondent’s license as well as Agency’s license (Docket #77902).
- iv. The time period for Respondent and Agency to request a hearing has not yet expired.
- v. Respondent was arrested and has been charged with Unlawful Acts Concerning Computers, a felony, and two separate counts of misdemeanor theft (Ford County District Court Case No. 18CR800).
 - i. These charges largely result from Respondent’s work as a tax preparer, where he was entrusted with property and documents.
- vi. Respondent engaged in fraudulent or dishonest practices in the conduct of business by lying about the amount of money they would receive on tax returns to keep money for himself, overcharging for tax preparation services, and modifying a client’s tax return by providing false information to get her more money back without her consent.
- vii. Respondent was arrested and has also been charged with Battery on Law Enforcement Officer, a felony, two counts of Interference with Law Enforcement, misdemeanors, Possession of Marijuana, a misdemeanor, and Possession of Drug Paraphernalia, a misdemeanor (Ford County District Court Case No. 2018CR68).

Findings of Fact

1. Respondent was licensed as a Kansas resident insurance agent on September 13, 2006, and remains licensed to date.
2. Respondent has a legal address of record of [REDACTED], Dodge City, KS [REDACTED]
[REDACTED]
3. Agency was licensed as a Kansas resident agency on July 9, 2018, and remains licensed to date.
4. Agency has a legal address of 606 First Ave, Dodge City, KS 67801.
5. Respondent is the owner of Agency and the only affiliated producer.
6. At all times relevant to the allegations set forth in the Motion, Respondent has held a current and active insurance license.

7. Respondent's license and Agency's license are currently active, as the deadline in which to request a hearing on the Summary Order revoking the licenses has not passed.
8. The Commissioner finds that Respondent:
 - i. Used fraudulent, coercive, or dishonest practices, or demonstrated any incompetence, untrustworthiness or financial irresponsibility in the conduct of business in this state.
 - ii. Respondent's continued participation in the sale, solicitation, or negotiation of insurance in the state of Kansas would create an immediate danger to the public health, safety or welfare.

Conclusions of Law

1. The Commissioner has jurisdiction over Respondent and Agency as well as the subject matter of this proceeding, and such proceeding is held in the public interest.
2. Pursuant to K.S.A. 77-536(a)(1), the Commissioner may use emergency proceedings to protect the public from an immediate danger to the public health, safety, or welfare.
3. Pursuant to K.S.A. 40-4909(a), the Commissioner may deny, suspend, revoke, or refuse renewal of any license issued if there is a violation of the Uniform Agent Licensing Act.
4. The Commissioner finds that Respondent violated:
 - a. K.S.A. 40-4909(a)(8), in that evidence demonstrates that Respondent used fraudulent, coercive, or dishonest practice, or demonstrated any incompetence, untrustworthiness or financial irresponsibility in the conduct of business in this state or elsewhere.
5. Respondent's continued participation in the sale, solicitation, or negotiation of insurance in the state of Kansas would create an immediate danger to the public health, safety or welfare and should be temporarily suspended pending the conclusion of the Summary Order proceeding in Docket No. 77902.
6. Given that Respondent is the owner and only affiliated producer for Agency, the Commissioner concludes that Agency's continued participation in the sale, solicitation, or negotiation of insurance in the state of Kansas would create an immediate danger to the public health, safety or welfare and should be temporarily suspended pending the conclusion of the Summary Order proceeding in Docket No. 77902.

Policy Reasons

- The Commissioner is charged with licensing, or continuing to license, persons or entities entitled to sell, solicit, or negotiate insurance in the state of Kansas, only if their conduct indicates they are both qualified and trustworthy.
- The evidence supporting the motion to suspend demonstrates Respondent has used fraudulent and dishonest conduct, misappropriated money, and shown general untrustworthiness in the conduct of business.
- Suspension of Respondent's license and Agency's license while the Summary Order is proceeding is appropriate to promote the security and integrity of the insurance business and protect insurance consumers until the outstanding issues are resolved.

Applicable Law

- K.S.A. §40-4909(a) provides, in relevant part:

“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:

 - (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)
- K.S.A. § 40-4909(b) provides, in relevant part:

“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)
- K.S.A. 77-536 provides, in relevant part:

“(a) A state agency may use emergency proceedings:

 - (1) In a situation involving an immediate danger to the public health, safety or welfare requiring immediate state agency action or
 - (2) as otherwise provided by law.” K.S.A. 77-536(a)

IT IS THEREFORE ORDERED BY THE COMMISSIONER OF INSURANCE the Kansas resident insurance agent's license of **OYUN A. VEGA** is hereby temporarily **SUSPENDED**, and **OYUN A. VEGA** 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 in Kansas or on Kansas risks through business conducted on and after the effective date of this order, until the conclusion of the Summary Order in Docket No. 77902. Additionally, the Kansas resident agency license of **TONY VEGA ENTERPRISE, LLC** is hereby temporarily **SUSPENDED**, and **TONY VEGA ENTERPRISE, LLC** 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 in Kansas or on Kansas risks through business conducted on and after the effective date of this order, until the conclusion of the Summary Order in Docket No. 77902.


PLEASE TAKE NOTICE that a hearing on this matter will be scheduled as soon as practicable at the Kansas Insurance Department, 420 SW 9th Street, Topeka, Kansas 66612. The issue to be determined is whether the emergency order of suspension should remain in place, be modified, or terminated. A Notice of Hearing will be issued.

PLEASE TAKE NOTICE that this is an emergency order. An emergency order is effective when rendered. A party to an agency proceeding may seek judicial review of an emergency order by filing a petition in the District Court as authorized by K.S.A. 77-601, et seq.

IT IS SO ORDERED THIS 25th **DAY OF** April **2019, IN THE CITY OF TOPEKA,**
COUNTY OF SHAWNEE, STATE OF KANSAS.



Vicki Schmidt
Commissioner of Insurance


By: Justin L. McFarland
General Counsel

NOTICE

In the event Respondent files a Petition for Judicial Review, pursuant to K.S.A. 77-613(e), the agency officer to be served on behalf of the Kansas Insurance Department is

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

CERTIFICATE OF SERVICE

The undersigned hereby certifies that she served the above and foregoing Emergency *Ex Parte* Order of Suspension on this 25th day of April, 2019, by causing the same to be deposited in the United States Mail, first class postage prepaid, addressed to the following:

Oyun A. Vega

[REDACTED]
Dodge City, KS [REDACTED]

Respondent

Tony Vega Enterprise, LLC

606 First Ave

Dodge City, KS 67801

Respondent Agency

And hand delivered to:

Steven M. Lehwald

Staff Attorney

Kansas Insurance Department

420 SW 9th St.

Topeka, KS 66612

Attorney for KID



Toni Garrard

Senior Administrative Assistant