

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

In the Matter of the Kansas Nonresident)
Public Adjuster License of) Docket No. 81979
JUAN FELIPE BARETTO)
NPN: # 11548625)

SUMMARY ORDER
(Pursuant to K.S.A. 40-5510, K.S.A. 77-501)

Pursuant to the authority granted to the Commissioner of Insurance (“Commissioner”) by K.S.A. 40-5510, the Commissioner hereby revokes the nonresident public adjuster license of Respondent, **JUAN FELIPE BARETTO** (“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 public adjuster on December 2, 2019, and remains licensed to date.
2. On December 12, 2019, the Kansas Insurance Department (“the Department”) received a notice from Farmers Insurance (“Farmers”) that they had receive a personal lines homeowner’s claim wherein a letter of representation had been submitted by the Respondent.
3. A letter was sent to the Respondent on December 17, 2019 from the Department’s Anti-Fraud Division requesting a copy of all records pertaining to any work he had performed or was currently performing in Kansas as a licensed Public Adjuster.
4. On December 27, 2019, Respondent provided to the Department Notices of Representation, an explanation to his actions, and advised he had ceased all work in regards to homeowner’s claims.
5. Respondent provided Notices of Representation for 11 noncommercial lines claims.
6. The Respondent advised he understood the Public Adjuster License only allows for representation in commercial lines.

Applicable Law

- Pursuant to K.S.A. 40-5510(a), “The commissioner may deny, suspend, revoke or refuse to issue or renew a public adjuster’s license for any of the following causes:
 - (2) Violating:
 - (A) Any provision of chapter 40 of the Kansas Statutes Annotated, and amendments thereto, or any rule and regulation promulgated thereunder;
 - (8) using fraudulent, coercive or dishonest practices or demonstrating incompetence, untrustworthiness or financial irresponsibility in the conduct of business in this state or elsewhere.” K.S.A. 40-5510(a)

- Pursuant to K.S.A. 40-5510(b), “In addition, the commissioner may suspend, revoke or refuse renewal of a public adjuster’s license if the commissioner finds that the interests of the public are not properly served under such license.” K.S.A. 40-5510(b)
- Pursuant to K.S.A. 40-5502(k), ““Public adjuster” means any individual who:
 - (1) For compensation or any other thing of value, and solely in relation to first party claims arising under insurance claims or contracts that insure the real or personal property of the insured, aids or acts on behalf of an insured in negotiating for, or effecting the settlement of, a claim for loss or damage **covered by and limited to commercial lines insurance contracts**;
 - (2) advertises for employment as a public adjuster of insurance claims or directly or indirectly solicits business or represents to the public that such person is a public adjuster of first party insurance claims for losses or damages to real or personal property **covered by and limited to commercial lines insurance contracts**; or
 - (3) for compensation or any other thing of value, investigates or adjusts losses or advises an insured about first party claims for losses or damages to real or personal property of the insured **covered by and limited to commercial lines insurance contracts**, for another person engaged in the business of adjusting losses or damages covered by and limited to commercial lines insurance contracts.” K.S.A. 40-5502(k)

Policy Reasons

1. It is in the public interest that the license of a Public Adjuster who acts outside the scope of permitted practices by representing individuals in claims other than those covered by and limited to commercial lines of insurance be revoked.
2. It is in the public interest that the license of a Public Adjuster who committed a dishonest practice by accepting insurance business from noncommercial lines be revoked.

Conclusions of Law

1. The Commissioner has jurisdiction over **JUAN FELIPE BARETTO** 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 **JUAN FELIPE BARETTO** acted outside the permitted practices of his license by representing personal lines of insurance in the course of doing insurance.
3. The Commissioner finds that Respondent’s Kansas license may be revoked because **JUAN FELIPE BARETTO** committed a dishonest practice by accepting insurance business from personal lines.
4. The Commissioner finds, pursuant to K.S.A. 40-5510(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 public adjuster's license of **JUAN FELIPE BARETTO**, pursuant to K.S.A. 40-5510.

IT IS THEREFORE ORDERED BY THE COMMISSIONER OF INSURANCE THAT:

1. The Kansas Nonresident Public Adjuster's License of **JUAN FELIPE BARETTO** is hereby **REVOKED** the effective date of this Order.
2. **IT IS FURTHER ORDERED** that **JUAN FELIPE BARETTO** shall **CEASE** and **DESIST** from the practicing as a public adjuster after the effective date of this Order.

IT IS SO ORDERED THIS 31st **DAY OF** January, 2020, **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

JUAN FELIPE BARETTO, 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
1300 SW Arrowhead Road
Topeka, Kansas 66604

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
1300 SW Arrowhead Road
Topeka, Kansas 66604

CERTIFICATE OF SERVICE

The undersigned hereby certifies that she served the above and foregoing Summary Order on this 31st day of January 2020, by causing the same to be deposited in the United States Mail, certified first class postage prepaid, addressed to the following:

Juan Felipe Barreto
[REDACTED]
[REDACTED]



Toni Garrard
Senior Administrative Assistant