

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

In the Matter of the Application for a)	
Kansas Resident Insurance Agent's)	Docket No. 82817
License of MACKENZIE A. BOSCO)	
NPN #19429758)	

PROPOSED DEFAULT ORDER
(Pursuant to K.S.A. 40-4909 and K.S.A. 77-520 et seq.)

Pursuant to authority granted to the Commissioner of Insurance ("Commissioner") by K.S.A. 40-4909, the Commissioner proposes to find facts and affirm denial of the application of **MACKENZIE A. BOSCO** ("Applicant") for a Kansas resident insurance agent's license by Default Order as provided by K.S.A. 77-520.

Findings of Fact

1. Applicant submitted an application for Kansas resident insurance agent license on February 27, 2020.
2. By letter dated June 17, 2020, Kansas Insurance Department ("Department") staff notified Applicant that her application was denied based on her submission of incorrect, misleading, incomplete or untrue information in the license application, and her conviction of a misdemeanor or felony. K.S.A. 40-4909(a)(1) and K.S.A. 40-4909(a)(6).
3. Applicant filed a timely request for a hearing on June 26, 2020.
4. Applicant was sent a Notice of Prehearing Conference and Applicant Prehearing Questionnaire on September 2, 2020.
5. The Notice of Prehearing Conference states that "the Prehearing Questionnaire must be completed and returned to the Department at least one week prior to the Prehearing Conference. Failure to do so may result in a default ruling."

6. Jill Spurling, Legal Assistant for the Presiding Officer, made attempts by telephone and email to contact Applicant regarding submission of the prehearing questionnaire that was due to the Department by October 6, 2020.
7. Applicant did not answer or return phone calls or email.
8. A Notice of Cancellation of Prehearing Conference was sent via USPS and email to applicant on October 9, 2020, stating that the applicant should communicate with the Department or return the Prehearing Questionnaire by October 30, 2020.
9. To date, applicant has not contacted or returned the Prehearing Questionnaire to the Department.

Applicable Law

1. Before approving an application for a license, the Commissioner must determine that the applicant has not committed any act that is grounds for denial pursuant to K.S.A. 40-4909. See K.S.A. 40-4905(b).
2. The Commissioner may deny a license if the Applicant has submitted incorrect, misleading, incomplete or untrue information in the license application or has been convicted of a misdemeanor or felony. K.S.A. 40-4909(a)(1) and K.S.A. 40-4909(a)(6).
3. Pursuant to K.S.A. 40-4909(c), "any action taken under this section which affects any license or imposes any administrative penalty shall be taken only after notice and an opportunity for hearing conducted in accordance with the provisions of the Kansas administrative procedures act."
4. Pursuant to K.S.A. 77-520(a), "if a party fails to attend or participate in a prehearing conference, hearing or other stage of an adjudicative proceeding, the presiding officer may

serve upon all parties' written notice of a proposed default order, including a statement of the grounds."

5. Pursuant to K.S.A. 77-523(a), the Presiding Officer, the Assistant Commissioner of Insurance acting on behalf of the Commissioner of Insurance as the agency head as provided in K.S.A. 77-547, is empowered to render a Final Order.
6. Pursuant to K.S.A. 77-520(b), Applicant may file a written motion requesting that this proposed default order be vacated stating the grounds relied on within seven days after the service of this proposed default order.
7. This proposed default order shall become effective seven days after service upon Applicant unless a written motion to vacate the order is filed by the Applicant with the agency.

Conclusions of Law

1. Applicant has been properly served notice of the action and facts and laws relied upon.
2. The Commissioner has jurisdiction over Applicant as well as the subject matter of this proceeding, and such proceeding is held in the public interest.
3. The Assistant Commissioner of Insurance is acting on behalf of the Commissioner of Insurance as the agency head and is empowered to render a Final Order.
4. The Commissioner finds that Applicant has failed to respond to the Department staff to schedule the hearing he requested and a proposed default order should be served in accordance with K.S.A. 77-520(a).

IT IS THEREFORE ORDERED BY THE COMMISSIONER OF INSURANCE THAT Applicant's hearing proceeding is **DISMISSED**, and the findings of fact, conclusions of law, and order contained above are adopted by reference and made the final order of the

Commissioner. Furthermore, it is found that the application for a resident insurance agent's license of **MACKENZIE A. BOSCO** is hereby **DENIED**.

Unless vacated by further order, this Order shall become effective as a Final Order at the expiration of the time for filing a motion to vacate the order.

IT IS SO ORDERED THIS 3rd DAY OF November 2020, IN THE CITY OF TOPEKA, COUNTY OF SHAWNEE, STATE OF KANSAS.



VICKI SCHMIDT
COMMISSIONER OF INSURANCE

BY: *Barbara W. Rankin*
Barbara W. Rankin
Assistant Commissioner
Presiding Officer

NOTICE OF RIGHT TO FILE A MOTION TO VACATE

Pursuant to K.S.A. 77-520(b), Applicant is entitled file a Motion to Vacate. A Motion to Vacate must be filed within seven (7) days of service of this Proposed Default Order (plus three [3] days for service by mail pursuant to K.S.A. 77-531).

In the event Applicant files a Motion to Vacate pursuant to K.S.A 77-520(b), the Agency Officer to be served on behalf of the Kansas Insurance Department is:

Justin L. McFarland, General Counsel
Kansas Insurance Department
1300 SW Arrowhead Rd.
Topeka, KS 66604

NOTICE OF RIGHT TO JUDICIAL REVIEW

Pursuant to K.S.A. 77-601 through K.S.A. 77-631, Applicant is entitled to judicial review, if this Proposed Default Order becomes a Final Order. The petition for judicial review must be filed within thirty (30) days of service of the date the Proposed Default Order becomes a Final Order (plus three [3] days for service by mail pursuant to K.S.A. 77-531). In the event Applicant 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
1300 SW Arrowhead Rd.
Topeka, KS 66604

CERTIFICATE OF SERVICE

I hereby certify that I served a true and correct copy of the above-and foregoing Default Order upon Applicant by causing a copy of the same to be deposited in the United States mail, first class postage prepaid, on the 4th day of November 2020, addressed to the following:

Mackenzie A. Bosco

Salina, KS

Applicant

and hand-delivered to the following:

Nicole Turner
Staff Attorney
Kansas Insurance Department
1300 SW Arrowhead Rd.
Topeka, KS 66604

Jill Spurling
Legal Assistant

