

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

In the Matter of the Kansas Nonresident)	
Insurance Agent's License of)	Docket No. 84352
MICHAEL PATRICK FISH)	
NPN: # 18806916)	

SUMMARY ORDER

(Pursuant to K.S.A. 40-4909, K.S.A. 77-501 *et seq.*)

Pursuant to the authority granted to the Commissioner of Insurance ("Commissioner") by K.S.A. 40-4909, the Commissioner hereby revokes the insurance agent's license of Respondent **MICHAEL PATRICK FISH** ("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 insurance agent on January 21, 2020, and remains licensed to date.
2. Respondent's legal (residential) address of record is [REDACTED], Albany, NY [REDACTED]
3. On June 17, 2020, Respondent was terminated from Northwestern Mutual.
4. On June 19, 2020, the Kansas Insurance Department ("Department") received a notice of termination for cause for Respondent from Northwestern Mutual.
5. Northwestern Mutual advised they found the following:
 - a. On April 27, 2020, Respondent had entered into a plea agreement where he plead guilty to one count of Computer Intrusion Causing Damage, in violation of 18 U.S.C. § 1030(a)(5)(A), one count of Aggravated Identity Theft, in violation of 18 U.S.C. § 1028A, and one count of Possession of Child Pornography, in violation of 18 U.S.C. § 2252A(a)(5)(B) and (b)(2).
 - b. Prior to speaking with his supervisor on May 21, 2020, Respondent failed to disclose any information regarding the criminal proceedings to Northwestern Mutual.
6. In the guilty plea agreement in case number 20-CR-117 (MAD) in the United States District Court for the Northern District of New York, Respondent admitted to illegally accessing personal online accounts of female college students in order to download nude, sexually explicit, and embarrassing personal photographs and videos stored in those accounts. Respondent then traded and distributed these stolen photographs and videos with others online.
7. Respondent, to this date, has not notified the Department of the convictions.

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:
 - (2) Violated:
 - (A) Any provision of chapter 40 of the Kansas Statutes Annotated, and amendments thereto, or any rule and regulation promulgated thereunder;
 - (6) Been convicted of a misdemeanor or felony.”
- 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.”
- Pursuant to K.A.R. 40-7-9, “Agents; change in the information contained on the most recent application for a license. Each person licensed in this state as an insurance agent shall report the following to the commissioner of insurance within 30 days of occurrence:
 - (c) each judgment or injunction entered against the licensee on the basis of conduct involving fraud, deceit, or misrepresentation, or a violation of any insurance law;
 - (d) all details of any conviction of a misdemeanor or felony. The details shall include the name of the arresting agency, the location and date of the arrest, the nature of the charge or charges, the court in which the case was tried, and the disposition rendered by the court. Minor traffic violations may be omitted;”

Policy Reasons

1. It is in the public interest that the license of an agent who has recently been convicted of serious felonies be revoked.
2. It is in the public interest that the license of an agent who has failed to notify the Department of a felony conviction be revoked.

Conclusions of Law

1. The Commissioner has jurisdiction over **MICHAEL PATRICK FISH** as well as the subject matter of this proceeding, and such proceeding is held in the public interest.
2. The Commissioner finds, pursuant to K.S.A. 40-4909(a)(6), that Respondent’s license may be revoked because **MICHAEL PATRICK FISH** was recently convicted of serious felonies.
3. The Commissioner finds, pursuant to K.A.R. 40-7-9(c) and (d), that Respondent’s license may be revoked because **MICHAEL PATRICK FISH** failed to notify the Commissioner of his recent felony convictions.
4. The Commissioner finds, pursuant to K.S.A. 40-4909(b), that the insurable 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 insurance agent's license of **MICHAEL PATRICK FISH**, pursuant to K.S.A. 40-4909(a) and (b).

IT IS THEREFORE ORDERED BY THE COMMISSIONER OF INSURANCE THAT:

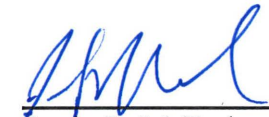
1. The Kansas Nonresident Insurance Agent's License of **MICHAEL PATRICK FISH** is hereby **REVOKED** the effective date of this Order.
2. **IT IS FURTHER ORDERED** that **MICHAEL PATRICK FISH** shall **CEASE** and **DESIST** from the sale, solicitation or negotiation of insurance and/or receiving compensation deriving from the sale, solicitation or negotiation of insurance conducted after the effective date of this Order.

IT IS SO ORDERED THIS 16th DAY OF JULY, 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

MICHAEL PATRICK FISH, 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 Rd.
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.

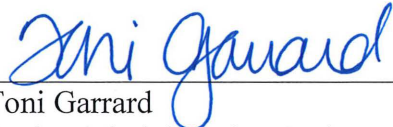
In the event the Respondent files a petition for judicial review, the agency officer designated pursuant to K.S.A. 77-613(e) to receive service of a petition for judicial review on behalf of the Kansas Insurance Department is:

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

CERTIFICATE OF SERVICE

The undersigned hereby certifies that she served the above and foregoing Summary Order on this 16th day of July, 2020, by causing the same to be deposited in the United States Mail, certified first class postage prepaid, addressed to the following:

Michael Patrick Fish
[REDACTED]
Albany, NY [REDACTED]



Toni Garrard
Senior Administrative Assistant