

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

In the Matter of the Kansas	)	
Insurance Agent's License of	)	Docket No. 84163
FERNANDO RYAN	)	
NPN: # 18684420	)	

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 agent's license of Respondent, **FERNANDO RYAN** ("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 agent on July 10, 2019, and remains licensed to date.
2. Respondent's legal (residential) address of record is [REDACTED], Miami, FL [REDACTED]
3. Respondent attempted to pay the \$86.18 application fee by credit card to the National Insurance Producer Registry ("NIPR") on July 9, 2019.
4. Respondent was granted a license with the understanding that the application fee was paid.
5. NIPR, the organization that processed the payment, then notified the Kansas Insurance Department ("Department") that Respondent later disputed the credit card payment and it was not processed.
6. Department staff attempted to contact Respondent regarding the situation, including by email on February 25, 2020 and by letter dated February 25, 2020.
7. Respondent, to this date, has not responded.

Applicable Law

- Pursuant to K.S.A. 40-4905(a), "It shall be unlawful for any person to sell, solicit or negotiate any insurance within this state unless such person has been issued a license as an insurance agent in accordance with this act."
- Pursuant to K.S.A. 40-4906(a), "... (a) Unless denied licensure pursuant to K.S.A. 40-4909, and amendments thereto, a nonresident person shall receive a nonresident agent license if:
 - (2) such person has submitted the proper request for licensure and has paid to the commissioner a nonrefundable application fee of \$30 and a biennial fee of \$50."

- 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:
 - Any provision of chapter 40 of the Kansas Statutes Annotated, and amendments thereto, or any rule and regulation promulgated thereunder; and
 - (8) Used any fraudulent, coercive, or dishonest practice, or demonstrated any incompetence, untrustworthiness or *financial irresponsibility* (emphasis added) in the conduct of business in this state or elsewhere.”
- Pursuant to K.S.A. 40-4909(b), “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.”

Policy Reasons

1. It is in the public interest that the license of an agent who has not paid the application fee for a license, as required to hold a producer license, be revoked.
2. It is in the public interest that the license of an agent who has demonstrated untrustworthiness or financial irresponsibility in the conduct of business in this state or elsewhere be revoked.

Conclusions of Law

1. The Commissioner has jurisdiction over **FERNANDO RYAN** 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 nonresident agent license may be revoked because **FERNANDO RYAN** has demonstrated financial irresponsibility in the conduct of business in this state by not paying his application fee.
3. The Commissioner finds that Respondent’s Kansas nonresident agent license may be revoked because **FERNANDO RYAN** has demonstrated untrustworthiness by not responding to staff requests for response.
4. 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.
5. Accordingly, the Commissioner concludes that sufficient grounds exist for the revocation of the insurance agent’s license of **FERNANDO RYAN**, 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 **FERNANDO RYAN** is hereby **REVOKED** the effective date of this Order.
2. **IT IS FURTHER ORDERED** that **FERNANDO RYAN** 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 18th 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

FERNANDO RYAN, 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 18 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:

Fernando Ryan

[REDACTED]
Miami, FL [REDACTED]



Toni Garrard
Senior Administrative Assistant