

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

In the Matter of the Kansas)	
Insurance Agent's License of)	Docket No. 81518
EMILY JAYNE SCRIVEN)	
NPN: # 19107071)	

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, **EMILY JAYNE SCRIVEN** ("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. Records maintained by the Kansas Insurance Department ("the Department") indicate that Respondent is licensed as an agent to transact the business of insurance in the State of Kansas, and has been so licensed since June 18, 2019.
2. The Department records further indicate that the last known legal (residential) and mailing address of record is [REDACTED], Valley Center, KS [REDACTED].
3. Respondent attempted to pay the \$90.00 application fee by electronic check using the KanPay payment portal of Kansas.gov on May 4, 2019.
4. Respondent was granted a license with the understanding that the application fee was paid.
5. Records from Kansas.gov, the organization that processed the payment, indicate the Department was invoiced on October 21, 2019 for reimbursement of the Respondent's electronic check that was returned unpaid.
6. Department staff tried to contact Respondent regarding the situation, including by email on November 4, 2019, and by letter dated November 5, 2019. To date, Respondent 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.
 - (b) Before approving the application, the commissioner shall determine that the applicant:
 - (3) has paid a nonrefundable fee in the amount of \$30; and
 - (i) (1) The commissioner may require a person applying for a resident insurance agent license to be fingerprinted and submit to a state and national criminal history record check. The fingerprints shall be used to identify the applicant and to determine whether the applicant has a record of criminal arrests and convictions in this state or other jurisdictions. The commissioner is authorized to submit the fingerprints to the Kansas bureau of investigation and the federal bureau of investigation for a state and national criminal history record check. Local and state law enforcement officers and agencies shall assist the commissioner in the taking and processing of fingerprints of applicants and shall release all records of the applicant’s arrests and convictions to the commissioner.
 - (3) Whenever the commissioner requires fingerprinting, a background check, or both, any associated costs shall be paid by the applicant.”
- 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:
 - (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.”

Policy Reasons

1. 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 **EMILY JAYNE SCRIVEN** 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 resident agent license may be revoked because **EMILY JAYNE SCRIVEN** has demonstrated financial irresponsibility in the conduct of business in this state by not paying her application fee.

3. The Commissioner finds that Respondent's Kansas resident agent license may be revoked because **EMILY JAYNE SCRIVEN** 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 **EMILY JAYNE SCRIVEN**, pursuant to K.S.A. 40-4909(a) and (b).

IT IS THEREFORE ORDERED BY THE COMMISSIONER OF INSURANCE THAT:


1. The Kansas resident Insurance Agent's License of **EMILY JAYNE SCRIVEN** is hereby **REVOKED** the effective date of this Order.
2. **IT IS FURTHER ORDERED** that **EMILY JAYNE SCRIVEN** 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 11th DAY OF DECEMBER, 2019, 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

EMILY JAYNE SCRIVEN, 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 he served the above and foregoing Summary Order on this 16th day of December, 2019, by causing the same to be deposited in the United States Mail, certified first class postage prepaid, addressed to the following:

Emily Jayne Scriven

[REDACTED]

Valley Center, KS [REDACTED]



Toni Garrard
Senior Administrative Assistant