

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

In the Matter of
CARL SNYDER and ALTRESS
INSURANCE SERVICES
NPN: # 16832921

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Docket No. 83131

SUMMARY ORDER

Pursuant to the authority granted to the Commissioner of Insurance (“Commissioner”) by K.S.A. 40-103, 40-2407, and 77-501 *et seq.*, the Commissioner hereby **ORDERS** that **CARL SNYDER and ALTRESS INSURANCE SERVICES** (“Respondent”) and any and all related entities, to **CEASE AND DESIST** from any advertising in violation of Kansas law. 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 a 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 (“Department”) indicate that Respondent was licensed as a Kansas resident insurance agent on November 26, 2012 and remains licensed to date.
2. Respondent is the owner of Altress Insurance Services located at 13761 W. 149th St., Olathe, KS 66062.
3. An advertisement for Medicare Supplement insurance plans was received by a Kansas resident via postcard sent through United States Mail.
4. The advertisement contained language that was presented in a manner that tends to mislead prospective insureds that the advertisement was connected to a government

agency. The advertisement specifically references "Registered Document" and is directed to "Americans Turning Age 65."

5. The advertisement stated Altress Insurance Services would provide a price and benefit comparison of Medicare Supplement insurance plans to the Kansas resident if they returned the completed postcard.
6. The advertisement did not include the name of the actual insurer or the form numbers for the insurance policies being advertised.
7. The Department has not received or approved a copy of the Medicare Supplement advertisement being distributed by Respondents to solicit the business of insurance within the State of Kansas.

Applicable Law

K.S.A. 40-2403 provides:

No person shall engage in this state in any trade practice which is defined in this state as, or determined pursuant to K.S.A. 40-2406 to be, an unfair method of competition or an unfair or deceptive act or practice in the business of insurance.

K.S.A. 40-2404 provides:

The following are hereby defined as unfair methods of competition and unfair or deceptive acts or practices in the business of insurance:

(2) Making, publishing, disseminating, circulating or placing before the public, or causing directly or indirectly, to be made, published, disseminated, circulated or placed before the public, in a newspaper, magazine or other publication, or in the form of a notice, circular, pamphlet, letter or poster, or over any radio or television station, or in any other way, an advertisement, announcement or statement containing any assertion, misrepresentation or statement with respect to the business of insurance or with respect to any person in the conduct of such person's insurance business, which is untrue, deceptive or misleading.

K.S.A. 40-2407 provides:

If, after such hearing, the commissioner shall determine that the person charged has engaged in an unfair method of competition or an unfair or deceptive act or practice, the

commissioner shall render an order requiring such person to cease and desist from engaging in such method of competition, act or practice and if the act or practice is a violation of K.S.A. 40-2404, and amendments thereto, the commissioner may in the exercise of discretion order any one or more of the following:

- (1) Payment of a monetary penalty of not more than \$1,000 for each and every act or violation,

Section 19 of the Kansas Insurance Department's policy and procedure to implement Medicare supplement insurance minimum standards, as implemented by K.A.R. 40-4-35 provides:

An issuer shall provide a copy of any Medicare supplement advertisement intended for use in this state whether through written, radio or television medium to the Commissioner of Insurance of this state for review or approval by the commissioner to the extent it may be required under state law.

Section 12(A) of the Kansas Insurance Department's policy and procedure regarding advertisements of Medicare supplement insurance, as implemented by K.A.R. 40-9-126 provides:

The name of the actual insurer shall be stated in all of its advertisements. The form number or numbers of the policy advertised shall be stated in the advertisement that is an invitation to contract. An advertisement shall not use a trade name, an insurance group designation, name of the parent company of the insurer, name of a particular division of the insurer, service mark, slogan, symbol or other device that with or without disclosing the name of the actual insurer would have the capacity and tendency to mislead or deceive as to the true identity of the insurer.

Section 12(B) of the Kansas Insurance Department's "policy and procedure regarding advertisements of Medicare supplement insurance, as implemented by K.A.R. 40-9-126 provides:

No advertisement shall use any combination of words, symbols or physical materials that by their content, phraseology, shape, color or other characteristics are so similar to combination of words, symbols or physical materials used by agencies of the federal government or of this state, or otherwise appear to be of such a nature that it tends to confuse or mislead prospective insureds into believing that the solicitation is in some manner connected with an agency of the municipal, state or federal government.

Policy Reasons

1. It is in the public interest to effectuate the policies set forth in K.A.R. 40-4-35 and 40-9-126.

Conclusions of Law

1. The Commissioner has jurisdiction over **CARL SNYDER** and **ALTRESS INSURANCE SERVICES** as well as the subject matter of this proceeding, and such proceeding is held in the public interest.
2. **CARL SNYDER** and **ALTRESS INSURANCE SERVICES** have engaged in the business of insurance in the State of Kansas by soliciting insurance business via advertising for Medicare Supplement insurance plans.
3. **CARL SNYDER** and **ALTRESS INSURANCE SERVICES** engaged in deceptive and misleading advertising in violation of K.S.A. 40-2403 and 40-2404 by mailing misleading postcards to Kansas residents.
4. **CARL SNYDER** and **ALTRESS INSURANCE SERVICES** violated K.A.R. 40-4-35, § 19 by failing to provide the Commissioner, for her approval, with a copy of any Medicare Supplement advertisement intended for use within the State of Kansas.
5. **CARL SNYDER** and **ALTRESS INSURANCE SERVICES** violated K.S.A. 40-9-126 § 12(A) by failing to include the name of the actual insurer on the postcard and form numbers of the policies advertised.
6. **CARL SNYDER** and **ALTRESS INSURANCE SERVICES** violated K.S.A. 40-9-126 § 12(B) by using materials that tend to confuse or mislead prospective insured into believing that the solicitation is in some manner connected with a government agency.
7. The Commissioner finds that permitting **CARL SNYDER** and **ALTRESS INSURANCE SERVICES** to continue using deceptive and misleading advertising to Kansas residents would pose an immediate danger to the well-being of Kansans.
8. The Commissioner finds this action is necessary to serve the interests of the public.

IT IS THEREFORE ORDERED BY THE COMMISSIONER OF INSURANCE that **CARL SNYDER** and **ALTRESS INSURANCE SERVICES** shall immediately **CEASE AND DESIST** its practice of advertising in violation of Kansas law to Kansas residents.

IT IS FURTHER ORDERED BY THE COMMISSIONER OF INSURANCE that **CARL SNYDER** SHALL PAY, WITHIN 15 BUSINESS DAYS OF THE EFFECTIVE DATE OF THIS ORDER, A MONETARY PENTALTY IN THE AMOUNT OF \$100.00.

IT IS FURTHER ORDERED BY THE COMMISSIONER OF INSURANCE that **ALTRESS INSURANCE SERVICES** SHALL PAY, WITHIN 15 BUSINESS DAYS OF THE EFFECTIVE DATE OF THIS ORDER, A MONETARY PENTALTY IN THE AMOUNT OF \$100.00.

IT IS SO ORDERED THIS 30th DAY OF APRIL, 2020, IN THE CITY OF TOPEKA, COUNTY OF SHAWNEE, STATE OF KANSAS.



Vicki Schmidt
Commissioner of Insurance

BY:

/s/ Justin L. McFarland
Justin L. McFarland
General Counsel

NOTICE AND OPPORTUNITY FOR HEARING

CARL SNYDER and **ALTRESS INSURANCE SERVICES**, 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 30th day of April, 2020, by causing the same to be deposited in the United States Mail, certified first class postage prepaid, addressed to the following:

Carl Snyder
Altress Insurance Services
13761 W. 149th St.
Olathe, KS 66062



Toni Garrard
Senior Administrative Assistant