

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

In the Matter of the Kansas Resident)	
Insurance Agent's License of)	
DAVID DUSTIN SPEARS)	Docket No. 85583
NPN # 19247394)	

AMENDED SUMMARY ORDER
(Pursuant to K.S.A. 40-4909 and 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 **DAVID DUSTIN SPEARS** ("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 resident insurance agent on August 23, 2019, and remains licensed to date.
2. Respondent's address of record is [REDACTED], Osawatomie, KS [REDACTED].
3. On October 5, 2020, Respondent was arrested by the Shawnee County Sheriff's Office for Aggravated Human Trafficking; Hiring a Child for Sexual Activity, a felony, Commercial Sexual Exploitation of a Child, a felony.
4. On October 8, 2020, Respondent was charged in Shawnee County District Court with Aggravated Human Trafficking; Hiring a Child for Sexual Activity, a felony, Commercial Sexual Exploitation of a Child, a felony, and Distribute or Possess with the Intent to Distribute, Marijuana; Less than 25 grams, a felony (Shawnee County District Court, Case No. 2020-CR-002181). The Complaint alleged that Respondent:
 - a. Unlawfully and feloniously, hired a child, to-wit: A.G.G. (XX/XX/03), who was less than 18 years old, by giving, or offering or agreeing to give, anything of value to any person, to engage in manual or other bodily contact stimulation of the genitals of any person with the intent to arouse or gratify the sexual desires of the offender or another, sexual intercourse, sodomy or any unlawful sexual act, and the offender recklessly disregards the age of the child.
 - b. Unlawfully, feloniously, and knowingly hired a person younger than 18 years of age, to-wit: A.G.G. (XX/XX/03), by giving, or offering or agreeing to give, anything of value to any person, to engage in a manual or other bodily contact stimulation of the genitals of any person with the intent to arouse or gratify the sexual desires of the offender or another, sexual intercourse, sodomy or any unlawful sexual act.

- c. Unlawfully and feloniously, distributed or possessed with the intent to distribute, marijuana or an analog thereof, in an amount less than 25 grams.

Applicable Law

K.S.A. 40-4909(b) provides, in relevant part:

“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. The interests of the public are not properly served under the license of an agent who is charged with felonies involving sexual exploitation of a child.
2. The interests of the public are not properly served under the license of an agent who is charged with a felony involving human trafficking.
3. The interests of the public are not properly served under the license of an agent who is charged with a felony involving distribution of a controlled substance.

Conclusions of Law

1. The Commissioner has jurisdiction over **DAVID DUSTIN SPEARS** 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(b), that the insurable interests of the public are not properly served under Respondent’s license because Respondent is charged with felonies involving human trafficking, sexual exploitation of a child, and distribution of a controlled substance.
3. Accordingly, the Commissioner concludes that sufficient grounds exist for the revocation of the insurance agent’s license of **DAVID DUSTIN SPEARS**, pursuant to K.S.A. 40-4909(b).

**IT IS THEREFORE ORDERED BY THE COMMISSIONER OF INSURANCE
THAT:**

1. The Kansas Resident Insurance Agent’s License of **DAVID DUSTIN SPEARS** is hereby **REVOKED** the effective date of this Order.
2. **IT IS FURTHER ORDERD** that **DAVID DUSTIN SPEARS** 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. Such activity is unlawful without a valid insurance agent's license in Kansas.

IT IS SO ORDERED THIS 21 DAY OF OCTOBER, 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

DAVID DUSTIN SPEARS, within fifteen (15) days of service of this Summary Order, you 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:

Jill Spurling
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 on 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

Pursuant to K.S.A. 77-607 and 77-612, exhaustion of administrative remedies is a jurisdictional prerequisite to seeking judicial review.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that she served the above and foregoing Summary Order on this 22nd day of October, 2020, by causing the same to be deposited in the United States Mail, certified, addressed to the following:

David Dustin Spears

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Osawatomie, KS ■■■■■■

Residence

and

David Dustin Spears

c/o SelectQuote

6800 W. 115th Street, Ste 2511

Overland Park, KS 66211-2205

Mailing Address



Toni Garrard

Senior Administrative Assistant