

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

In the Matter of the Kansas)	
Resident Insurance Producer's)	
License of ELSA VIVIANA APARICIO)	Docket No. 83107
NPN # 18032456)	

SUMMARY ORDER OF REVOCATION

(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 and K.S.A. 77-501 *et seq.*, the Commissioner hereby **REVOKES** the Kansas resident insurance producer's license of **ELSA VIVIANA APARICIO** ("Respondent"). This Summary Order of Revocation 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.

Findings of Fact

1. Respondent was licensed as a Kansas resident insurance producer on August 1, 2016 and remains licensed to date.
2. Respondent's address of record is [REDACTED], Wichita, KS [REDACTED].
3. On November 5, 2019, the Kansas Insurance Department ("Department") received a notice from State Farm that Respondent had been terminated for cause.
4. Respondent admitted to State Farm she changed the home's build year from 1940 to 1980, and then to 1970, when filling out an application for A.M. These changes were recorded during the quoting history for the customer and made within minutes of each other. The county assessor's website showed the home's build year as 1940. Respondent admitted to changing the year built for homes on multiple occasions.

5. Respondent admitted to State Farm she entered incorrect home build years in order to obtain a lower insurance premium rate for customers.

6. Respondent admitted to committing similar conduct in the past that involved rate manipulation. Respondent stated this occurred while working in another agent's office and was told the conduct was not acceptable practice.

7. Respondent admitted to State Farm she entered January 1, 2012 as the vehicle purchase date when submitting an application for J.V. The National Insurance Crime Bureau ("NICB") records for the vehicle showed the vehicle was shipped from the manufacturer on June 26, 2012. Respondent further admitted to submitting an application with the prior insurance tenure being five years and ten months. The Previous Insurer Report showed the prior insurance tenure was approximately four years.

8. Respondent, to this date, has not responded to the Department's request for an explanation.

Applicable Law

K.S.A. 40-4909(a)(5) provides:

The Commissioner may deny, suspend, revoke or refuse renewal of an insurance producer's license upon finding that Respondent has intentionally misrepresented the provisions, terms and conditions of an actual or proposed insurance contract or application for insurance.

K.S.A. 40-4909(a)(8) provides:

The Commissioner may deny, suspend, revoke or refuse renewal of an insurance producer's license upon finding that Respondent has used any fraudulent, coercive, or dishonest practice, or demonstrated any incompetence, untrustworthiness or financial irresponsibility in the conduct of business in this state or elsewhere.

K.S.A. 40-4909(b) provides:

The Commissioner may suspend, revoke or refuse renewal of an insurance producer's license upon finding that the interests of the insurer or the insurable interests of the public are not properly served under Respondent's license.

Policy Reasons

1. It is in the public interest that the license of a producer who has misrepresented the provisions, terms and conditions in an application for insurance be revoked.

2. It is in the public interest that the license of a producer who has used fraudulent, coercive or dishonest practice or demonstrated incompetence, untrustworthiness or financial irresponsibility in the conduct of business be revoked.

Conclusions of Law

1. The Commissioner has jurisdiction over **ELSA VIVIANA APARICIO** as well as the subject matter of this proceeding, and such proceeding is held in the public interest.

2. Pursuant to K.S.A. 40-4909(a)(5), the Commissioner finds that Respondent's Kansas resident insurance producer's license may be revoked because **ELSA VIVIANA APARICIO** intentionally misrepresented the provisions, terms and conditions of an actual or proposed insurance contract or application for insurance.

3. Pursuant to K.S.A. 40-4909(a)(8), the Commissioner finds that Respondent's Kansas resident insurance producer's license may be revoked because **ELSA VIVIANA APARICIO** used fraudulent, coercive, or dishonest practice, or demonstrated any incompetence, untrustworthiness or financial irresponsibility in the conduct of business in this state or elsewhere.

4. Pursuant to K.S.A. 40-4909(b), the Commissioner finds that the insurable interests of the public are not properly served under the Kansas resident insurance producer's license of **ELSA VIVIANA APARICIO**.

5. Pursuant to K.S.A. 40-4909(a) and (b), the Commissioner concludes that sufficient grounds exist for revocation of the Kansas resident insurance producer's license of **ELSA VIVIANA APARICIO**.

IT IS THEREFORE ORDERED BY THE COMMISSIONER OF INSURANCE THAT:

1. The Kansas resident insurance producer's license of **ELSA VIVIANA APARICIO** is hereby **REVOKED** the effective date of this Order.


2. **IT IS FURTHER ORDERED** that **ELSA VIVIANA APARICIO** 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 6th DAY OF JULY 2021, 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

ELSA VIVIANA APARICIO, 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 producer/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 of Revocation on this 14th day of July 2021, by causing the same to be deposited in the United States Mail, certified, addressed to the following:

Elsa Viviana Aparicio

[REDACTED]

Wichita, KS [REDACTED]

Respondent



Toni Garrard

Senior Administrative Assistant