

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

<b>In the Matter of the Kansas Resident</b>	)	
<b>Insurance Producer's License of</b>	)	
<b>LUIS CARLOS INIGUEZ</b>	)	<b>Docket No. 87506</b>
<b>NPN # 19175051</b>	)	

**SUMMARY ORDER OF REVOCATION**

(Pursuant to K.S.A. 40-4905, 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. 40-4905, 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 **LUIS CARLOS INIGUEZ** ("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 Kansas resident insurance producer on August 10, 2020 and remains licensed to date.
2. Respondent's address of record is [REDACTED], Sterling, Kansas [REDACTED]
3. On August 6, 2020, Respondent attempted to pay the \$93.00 application fee by electronic check using the KanPay payment portal of Kansas.gov.
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 November 1, 2020 for reimbursement of the Respondent's electronic check that was returned unpaid.

6. On January 12, 2021, Department staff notified Respondent via email that her electronic check payment was returned as unpaid and requested payment by February 12, 2021. The correspondence included information for how to pay the application fee.

7. On February 1, 2021, Department staff sent a letter to Respondent's address of record requesting payment by February 12, 2021. The correspondence included information for how to pay the application fee.

8. Respondent, to this date, has not responded or paid the application fee.

#### **Applicable Law**

K.S.A. 40-4905(a) provides:

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 producer in accordance with this act.

K.S.A. 40-4905(b)(3) provides:

Any person applying for a resident insurance agent license shall make application on a form prescribed by the Commissioner. The applicant shall declare under penalty of perjury that the statements made in the application are true, correct and complete to the best of the applicant's knowledge and belief. Before approving the application, the Commissioner shall determine that the applicant has paid a nonrefundable fee in the amount of \$30.

K.S.A. 40-4905(i)(3) provides:

Whenever the Commissioner requires fingerprinting, a background check, or both, any associated costs shall be paid by the applicant.

K.S.A. 40-4909(a)(2)(A) provides:

The Commissioner may deny, suspend, revoke or refuse renewal of an insurance producer's license upon finding that Respondent has violated any provision of chapter 40 of the Kansas Statutes Annotated, and amendments thereto, or any rule and regulation promulgated thereunder.

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 not paid the fees for the license application and fingerprinting be revoked.
2. It is in the public interest that the license of a producer who has demonstrated untrustworthiness or financial irresponsibility in the conduct of business be revoked.

#### **Conclusions of Law**

1. The Commissioner has jurisdiction over **LUIS CARLOS INIGUEZ** 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)(2)(A), the Commissioner finds that Respondent's Kansas resident insurance producer license may be revoked because **LUIS CARLOS INIGUEZ** has violated provisions of chapter 40 of the Kansas Statutes Annotated. The Commissioner finds that **LUIS CARLOS INIGUEZ** has failed to pay for the license application and fingerprinting fees. See K.S.A. 40-4905.
3. Pursuant to K.S.A. 40-4909(a)(8), the Commissioner finds that Respondent's Kansas resident insurance producer license may be revoked because **LUIS CARLOS INIGUEZ** used fraudulent, coercive, or dishonest practice, or demonstrated any incompetence, **untrustworthiness or financial irresponsibility** in the conduct of business in this state or elsewhere in that he provided a not sufficient funds check for payment of his license fees. Giving

a worthless check is a crime in Kansas. See K.S.A. 21-5821. Further, if a person gives a worthless check, the person shall be liable for civil damages pursuant to K.S.A. 60-2610.

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 **LUIS CARLOS INIGUEZ**.

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 **LUIS CARLOS INIGUEZ**.

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

1. The Kansas resident insurance producer's license of **LUIS CARLOS INIGUEZ** is hereby **REVOKED** the effective date of this Order.


2. **IT IS FURTHER ORDERED** that **LUIS CARLOS INIGUEZ** 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 30<sup>th</sup> DAY OF MARCH, 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**

**LUIS CARLOS INIGUEZ**, 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 30th day of March 2021, by causing the same to be deposited in the United States Mail, certified first class postage prepaid, addressed to the following:

Luis Carlos Iniguez

[REDACTED]

Sterling, KS [REDACTED]

*Mailing Address*

And

Luis Carlos Iniguez

[REDACTED]

Sterling, KS [REDACTED]

*Residence*



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Toni Garrard  
Senior Administrative Assistant