

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

**In the Matter of the Kansas Excess Lines)
Insurance Producer License of)
EUGENE MILES LIPKIN) Docket No. 89104
NPN # 18415349)**

CONSENT AGREEMENT AND ORDER

(Pursuant to K.S.A. 40-246b, K.S.A. 40-246c, 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. 40-103 and in accordance with K.S.A. 40-246b, K.S.A. 40-246c, K.S.A. 40-4909, and K.S.A. 77-501 *et seq.*, the Commissioner hereby accepts the stipulations of the parties, and imposes sanctions against the license of **EUGENE MILES LIPKIN** (“Respondent”). This Consent Agreement shall become effective as a Final Order, without further notice when signed by the Commissioner or her designee and filed of record with the Kansas Insurance Department (“Department”).

FINDINGS OF FACT

1. Respondent was issued a Kansas excess lines license on January 13, 2020.
2. At the time Respondent was issued the excess lines license, his address of record was [REDACTED], San Francisco, CA [REDACTED].
3. Respondent’s current address of record is 777 Mariners Island Blvd, Suite 250, San Mateo, CA 94404.
4. Respondent failed to file his 2020 Excess Lines Report and Tax Remittance prior to March 1, 2021, as required by K.S.A. 40-246c.
5. On April 12, 2021, the Department sent a notice to Respondent by mail to his address of record then on file notifying him the 2020 Excess Lines Report and Tax Remittance

must be filed and a monetary penalty would be assessed due to the failure to timely file. The notice stated further action would be taken for failure to file his excess lines report, pay the tax remittance, and pay the monetary penalty.

6. The notice was returned as undeliverable. The Department sent an email on April 28, 2021, sending the notice.

7. On May 21, 2021, the Department sent a second notice to Respondent by mail and email notifying the Respondent he must file the excess lines report, pay the tax remittance, and pay the monetary penalty within fifteen (15) days of the date of the letter. The Department also notified him that failure to do so may result in revocation of his excess lines license.

8. On July 2, 2021, the Department sent an email to Respondent notifying him the failure to file the excess lines report, pay the tax remittance, and pay the monetary penalty by July 9, 2021 would result in revocation of his excess lines license.

9. On July 12, 2021, the Department issued an administrative action proposing to revoke Respondent's excess lines license for failure to file the 2020 Excess Lines Report and Tax Remittance.

10. The administrative action was returned as undeliverable. On August 2, 2021, the Department sent the proposed administrative action to the Respondent via email.

11. Before the July 12, 2021 action became final and effective, on August 20, 2021, Staci Ritchie, acting on behalf of Respondent, requested a hearing to challenge the proposed revocation of Respondent's excess lines license.

12. On August 19, 2021, Respondent filed the 2020 Excess Lines Report and Tax Remittance which was a \$0 filing.

APPLICABLE LAW

K.S.A. 40-246c(c) provides:

The individual responsible for filing the statement shall be the agent who signs the policy or the agent of record with the company. The Commissioner of insurance may assess a penalty up to double the amount of tax prescribed in subsection (a) from any licensee or other individual responsible for filing the statement as described in this subsection who fails, refuses or neglects to transmit the required affidavit or statement or fails to pay the tax imposed by this section to the Commissioner within the period specified.

K.S.A. 40-246b provides:

The Commissioner may revoke or suspend any license issued pursuant to the provisions of this act in the same manner and for the same reasons prescribed by K.S.A. 2020 Supp. 40-4909, and amendments thereto.

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

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 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(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.

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

In lieu of taking any action under subsection (a), the Commissioner may:

- (1) Censure the person; or
- (2) Issue an order imposing an administrative penalty up to a maximum of \$500 for each violation but not to exceed \$2,500 for the same violation occurring within any six consecutive calendar months from the date of the original violation unless such person knew or should have known that the violative act could give rise to disciplinary action under subsection (a). If such person knew or reasonably should have known the violative act could give rise to any disciplinary proceeding authorized by subsection (a), the commissioner may impose a penalty up to a maximum of \$1,000 for each violation but not to exceed \$5,000 for the same violation occurring within any six consecutive calendar months from the date of the imposition of the original administrative penalty.

CONCLUSIONS OF LAW

1. The Commissioner has jurisdiction over **EUGENE MILES LIPKIN** as well as the subject matter of this proceeding, and such proceeding is held in the public interest.
2. The Commissioner finds that Respondent failed to timely file his 2020 Excess Lines Report and Tax Remittance.
3. The Commissioner finds the proposed remedy of a monetary penalty in lieu of revocation of Respondent's Kansas excess lines license adequately protects the interests of insurers and the insurable interests of the public in Kansas.

STIPULATION

The undersigned stipulates and agrees to the above findings, facts, and conclusions of law and waives their rights to an administrative hearing and judicial review of the Commissioner's Order.

DocuSigned by: <i>Eugene Lipkin</i>	8/27/2021
E73C80490064456 Eugene Miles Lipkin	Date
Respondent	

Prepared by:

Nicole K Turner

Nicole K. Turner #28442
Staff Attorney
Kansas Insurance Department

ORDER

IT IS THEREFORE ORDERED BY THE COMMISSIONER OF INSURANCE

THAT:

1. Respondent shall pay a monetary penalty of \$100 for failure to timely file his 2020 Excess Lines Report and Tax Remittance.
2. The monetary penalty of \$100 shall be paid in full by September 10, 2021. Failure to pay shall void this Consent Agreement and Order. Respondent will be ordered to show cause as to why his excess lines license should not be revoked.
3. This Order shall take effect when signed by all parties and the Commissioner or the Commissioner's designee and filed of record with the Kansas Insurance Department.
4. Respondent shall disclose the existence of this Order on any company or licensing authority application as a disciplinary action involving the license.

IT IS SO ORDERED THIS 27th DAY OF AUGUST 2021, IN THE CITY OF TOPEKA, COUNTY OF SHAWNEE, STATE OF KANSAS.



VICKI SCHMIDT
COMMISSIONER OF INSURANCE

BY: _____


Justin L. McFarland
General Counsel

NOTICE REGARDING JUDICIAL REVIEW


In the event Respondent files a Petition for Judicial Review, the agency officer designated pursuant to K.S.A. 77-613(e) to receive personal 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 Consent Agreement and Order on this 27th day of August 2021, by causing the same to be deposited in the United States Mail, certified, addressed to the following:

Eugene Miles Lipkin
Newfront Insurance Services
777 Mariners Island Blvd, Suite 250
San Mateo, CA 94404
Mailing Address



Toni Garrard
Senior Administrative Specialist