

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

<b>In the Matter of the Application for a</b>	)	
<b>Kansas Nonresident Insurance Producer’s</b>	)	
<b>License of MICHAEL BUKOWSKI</b>	)	<b>Docket No. 89650</b>
<b>NPN # 19992067</b>	)	

**PROPOSED DEFAULT 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 proposes to find facts and affirm the denial of the application of Michael Bukowski (“Applicant”) for a Kansas nonresident insurance producer’s license by Default Order, as provided by K.S.A. 77-520.

**Findings of Fact**

1. On July 26, 2021, Applicant, a resident of Hamburg, Pennsylvania, applied for a Kansas nonresident individual insurance producer license.
2. On August 16, 2021, the Kansas Insurance Department (“Department”) staff notified Applicant by letter that the application was denied based on K.S.A. 40-4909(a)(6) and K.S.A. 40-4909(b).
3. On September 3, 2021, Applicant filed a timely request for a hearing.
4. On September 10, 2021, the Notice of Prehearing Conference enclosed with a copy of the Prehearing Questionnaire was sent to Applicant via United States Postal Service and email.
5. As stated in the Notice of Prehearing Conference, Applicant’s Prehearing Questionnaire was due on October 13, 2021.
6. On October 13, 2021, Applicant submitted his completed Prehearing Questionnaire.

7. On October 20, 2021, at 3:00 p.m., the Prehearing Conference was held via conference call. The Presiding Officer reviewed the prehearing questionnaires submitted by each party. A hearing was scheduled for January 20, 2022, at 3:00 p.m. CST. Applicant was instructed to pay the investigative and hearing costs of \$500.00 no later than January 13, 2022. This information was included in the Prehearing Order issued by the Presiding Officer on October 27, 2021.

8. Applicant was notified by e-mail on January 18, 2022, and phone messages left on January 18 and 19, 2022 as to the status of the investigative and hearing fee that was due by January 13, 2022.

9. To this date, Applicant has not paid the \$500.00 fee or responded to the Department's attempts to communicate.

#### **Applicable Law**

10. Before approving an application for a license, the Commissioner must determine that the applicant has not committed any act that is grounds for denial pursuant to K.S.A. 40-4909. See K.S.A. 40-4905(b).

11. Pursuant to K.S.A. 40-4909(a)(6), the Commissioner may deny a license if the Applicant has been convicted of a misdemeanor or felony.

12. Pursuant to K.S.A. 40-4909(d), "Any action taken under this section that affects any license or imposes any administrative penalty shall be taken only after notice and an opportunity for a hearing conducted in accordance with the provisions of the Kansas administrative procedures act."

13. Pursuant to K.S.A. 77-520(a), "If a party fails to attend or participate in a prehearing conference, hearing or other stage of an adjudicative proceeding, the presiding officer may serve upon all parties written notice of a proposed default order, including a statement of the grounds."

14. Pursuant to K.S.A. 77-520(b), Applicant may file a written motion requesting that this proposed default order be vacated stating the grounds relied on within seven days after the service of this proposed default order.

15. Pursuant to K.S.A. 77-520(c), "The proposed default order shall become effective after expiration of the time within which the party may file a written motion under subsection (b) unless a written motion to vacate the order is filed with the agency within such time."

16. Pursuant to K.S.A. 77-520(e), "If the presiding officer is the agency head, or has been designated under K.S.A. 77-514, and amendments thereto, to issue a final order, the order shall be deemed a final order."

### **Conclusions of Law**

17. The Commissioner has jurisdiction over Applicant as well as the subject matter of this proceeding, and such proceeding is held in the public interest.

18. The Assistant Commissioner of Insurance is acting on behalf of the Commissioner of Insurance as the agency head and is empowered to act as the Presiding Officer and issue a Final Order. See K.S.A. 77-547 and K.S.A. 77-514.

19. The Commissioner finds that Applicant has failed to pay the \$500.00 hearing fee or respond to Department staff regarding the hearing and a proposed default order should be served in accordance with K.S.A. 77-520.

**IT IS THEREFORE ORDERED BY THE COMMISSIONER OF INSURANCE THAT** Applicant's proceeding is **DISMISSED**. Furthermore, it is found that the application for a Kansas nonresident insurance producer's license of Michael Bukowski is hereby **DENIED**.

Unless Applicant files a timely written motion to vacate this Proposed Default Order, this Order shall become effective as a Final Order.

**IT IS SO ORDERED THIS 20<sup>th</sup> DAY OF JANUARY 2022, IN THE CITY OF TOPEKA, COUNTY OF SHAWNEE, STATE OF KANSAS.**



VICKI SCHMIDT  
COMMISSIONER OF INSURANCE

BY: *Barbara W. Rankin*  
Barbara W. Rankin  
Assistant Commissioner  
Presiding Officer

**NOTICE OF RIGHT TO FILE A MOTION TO VACATE**

Pursuant to K.S.A. 77-520(b), Applicant is entitled file a Motion to Vacate. A Motion to Vacate must be filed within seven (7) days of service of this Proposed Default Order (plus three [3] days for service by mail pursuant to K.S.A. 77-531).

In the event Applicant files a Motion to Vacate pursuant to K.S.A 77-520(b), the Agency Officer to be served on behalf of the Kansas Insurance Department is:

Justin L. McFarland, General Counsel  
Kansas Insurance Department  
420 SW 9th Street  
Topeka, KS 66612

**NOTICE OF RIGHT TO JUDICIAL REVIEW**

Pursuant to K.S.A. 77-601 through K.S.A. 77-631, Applicant is entitled to judicial review, if this Proposed Default Order becomes a Final Order. The petition for judicial review must be filed within thirty (30) days of service of the date the Proposed Default Order becomes a Final Order (plus three [3] days for service by mail pursuant to K.S.A. 77-531). In the event Applicant

files a petition for judicial review pursuant to K.S.A. 77-613(e), the Agency Officer to be served on behalf of the Kansas Insurance Department is:

Justin L. McFarland, General Counsel  
Kansas Insurance Department  
1300 SW Arrowhead Road  
Topeka, KS 666044

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that she served a true and correct copy of the above and foregoing PROPOSED DEFAULT ORDER on this 20<sup>th</sup> day of January 2022, by causing the same to be electronically mailed and placed in the United States Mail, first class postage prepaid addressed to the following:

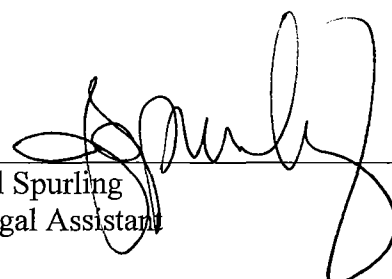
Michael Bukowski

[REDACTED]  
Hamburg, PA [REDACTED]  
[REDACTED]

*Applicant*

And hand-delivered to the following:

Kimberley Davenport Megrail  
Senior Attorney  
Kansas Insurance Department  
1300 SW Arrowhead Road  
Topeka, KS 66604  
*Counsel for the Kansas Insurance Department*

  
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Jill Spurling  
Legal Assistant