

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

In the Matter of the Application for a)	
Kansas Nonresident Insurance Producer's)	
License of KRISTI DAWSON)	Docket No. 91433
NPN # 15661173)	

ORDER DENYING REQUEST FOR A HEARING
(Pursuant to K.S.A. 40-4905 and K.S.A. 77-501 *et seq.*)

The Kansas Insurance Department (“Department”) denied the application of Kristi Dawson (“Applicant”) for a Kansas nonresident insurance producer’s license (“Application”). Applicant submitted a request for a hearing after the deadline to request a hearing expired.

The Commissioner finds that Applicant’s request for a hearing was untimely and her request for a hearing is denied as untimely.

Underlying Facts

1. Applicant’s Application was denied by letter dated January 21, 2022.
2. Applicant’s deadline to submit a request for a hearing expired on February 8, 2022.
3. Applicant was notified in the letter as follows:

You have a right to a hearing before the Assistant Commissioner of Insurance to appeal the staff decision to deny your application for a license. Pursuant to K.S.A. 77-537 and K.S.A. 77-542, **within fifteen (15) days of the date of this letter, you may submit a written request for an appeal.** A form which you may use for this purpose is enclosed.

4. The denial letter further notified Applicant that in the absence of a request for a hearing, the denial would become effective as a Final Order.
5. In email communications with the Applicant and licensing staff with the Applicant’s employer, counsel for the Department advised twice that the Applicant would need to file a request

for a hearing by close of business no later than February 8, 2022. Counsel specifically stated in the first of two emails dated February 8, 2022:

Please be aware that I cannot legally advise you on the proper course of action to be taken on behalf of Ms. Dawson. However, it would preserve Ms. Dawson's rights on the denial to request a hearing by close of business today.

And in the second email:

Ultimately it is up to Ms. Dawson whether a hearing is requested, but I cannot extend time for a hearing request as this is now an administrative process.

6. Applicant, by and through, a Licensing Specialist with her employer, submitted a request for a hearing on February 9, 2022, via email to Jill Spurling, Legal Assistant to the Presiding Officer.

Applicable Law

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

8. Pursuant to K.S.A. 77-526(a), the Assistant Commissioner of Insurance acting on behalf of the Commissioner of Insurance as the agency head, as provided in K.S.A. 77-547, is empowered to render a Final Order.

9. Pursuant to K.S.A. 40-4905(g), "Any applicant whose application for a license is denied shall be given an opportunity for a hearing in accordance with the provisions of the Kansas administrative procedure act ["KAPA"]."

10. Under KAPA, "Any notice of agency action resulting in a right to request a hearing pursuant to the Kansas administrative procedure act must include a statement informing the person that a written request for a hearing must be filed with the agency within 15 days of service of the notice." K.S.A. 77-542(a).

11. Pursuant to K.S.A. 77-537(b)(2), “The state agency shall serve each party with a copy of the order in a summary proceeding in the manner prescribed by K.S.A. 77-531, and amendments thereto. The order shall include...notice of the time and manner for requesting a hearing on the order, as provided in K.S.A. 77-542.”

12. Pursuant to K.S.A. 77-537(b)(3), a summary order served on a party shall include, “notice that, if a hearing is not requested, **the order shall become effective upon the expiration of the time for requesting a hearing.**” [Emphasis added.]

Policy Reasons

13. Before denying an untimely request for a hearing, the Commissioner must determine the hearing is granted in accordance with the provisions of the Kansas administrative procedures act.

Findings of Fact and Conclusions of Law

14. Applicant was notified by the denial letter dated January 21, 2022, that she had fifteen (15) days to request a hearing to appeal the decision to deny his license application. Applicant was further notified by the letter that failure to appeal the decision would result in the letter becoming effective as a final order. Applicant does not dispute receiving the denial letter.

15. The Presiding Officer finds that the summary order and notice of the time and manner in which to request a hearing on the summary order provided by Department to the Applicant met the requirements of KAPA.

16. The Applicant and her employer were additionally advised by the Department on the need for Applicant to file her hearing request by the deadline in order to preserve her rights for a hearing.

17. The Presiding Officer finds the hearing request submitted by Applicant on February 9, 2022, was untimely.

18. The summary order of the denial of the Applicant's application for licensure became a Final Order when the Applicant did not request a hearing within the time specified in the notification included in the summary order.

IT IS THEREFORE ORDERED BY THE COMMISSIONER OF INSURANCE THAT Applicant submitted an untimely request for a hearing. The untimely request for a hearing is **DENIED**. The contents of the January 21, 2022, letter describing the Department's reasons for the denial became a **Final Order as a matter of law** when Applicant failed to timely request an administrative hearing.

IT IS SO ORDERED THIS 14th DAY OF FEBRUARY 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 JUDICIAL REVIEW

Pursuant to K.S.A. 77-601 through K.S.A. 77-631, Applicant is entitled to judicial review, if this Order Denying Request for Hearing 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 66604

CERTIFICATE OF SERVICE

I hereby certify that I served a true and correct copy of the above-and-foregoing Order Denying Request for a Hearing upon Applicant by causing a copy of the same to be deposited in the United States mail, first class postage prepaid, on the 14th day of February 2022, addressed to the following:

Kristi Dawson

[REDACTED]

Peoria, AZ [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

Jill Spurling
Legal Assistant

