

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

**In the Matter of the Kansas
Resident Insurance Producer's
License of DEBORAH SOWDER
NPN # 8006229**

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Docket No. 95962

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 insurance producer's license of **DEBORAH SOWDER** ("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 February 27, 2004, and remains licensed to date.
2. Respondent's address of record with the Department is [REDACTED] Junction City [REDACTED].
3. Respondent has been appointed with State Farm Fire and Casualty Company ("State Farm") since August of 2014.
4. On or about February 18, 2019, an insurance policy was issued by State Farm to Respondent covering jewelry for the amount of \$5,900 Policy number [REDACTED]. An appraisal prepared by [REDACTED] on February 8, 2019, was presented to State Farm in connection with this policy, showing an appraisal of \$5,900.

5. On or about June 5, 2019, the Respondent made a claim (Claim number [REDACTED]) with State Farm against the policy claiming the ring had been lost or stolen with a date of loss as May 27, 2019.

6. On or about June 6, 2019, State Farm paid out the claim of \$5,900 to the Respondent.

7. On or about October 4, 2021, the Kansas Insurance Department received information that the Respondent had submitted a claim for a ring which she subsequently sold. The information was that this ring sold to a pawn shop in Junction City, Kansas. A photo of the ring was presented to the Department as well as a photo showing the Respondent standing at the counter of the pawn shop. The date stamp on the photo which appears be from security footage of the store was September 4, 2021. At the time of selling the ring, the Respondent provided an appraisal to the shop which was identical to the one submitted to State Farm when the policy was obtained by Respondent.

8. This photo was forwarded to a Claim Specialist for State Farm to attempt to confirm whether this was the ring that had been previously reported stolen, which was subsequently confirmed by State Farm.

9. On or about November 9, 2021, Senior Special Agent Terry Symonds, with the Kansas Insurance Department conducted an interview with the Respondent regarding the allegations. When confronted about the ring being pawned after being reported stolen, Respondent admitted pawning the ring, but claimed she found it *after* having previously made a claim for its loss. Respondent admitted she did not notify State Farm regarding locating the ring after having reported it lost and prior to pawning it.

10. The policy Respondent made the claim against had an endorsement that stated “Any property that we pay for or to replace becomes our property.

11. Respondent told Special Agent Symonds she didn’t think there was anything wrong with selling the ring, and that she didn’t think State Farm would want the ring back.

12. On or about November 22, 2019, an individual contacted a State Farm agent through an online chat system asking about reimbursing State Farm for a loss in the amount of \$5,900 for a claim.

13. On December 2, 2021, Respondent made restitution in the amount of \$5,900.00 to State Farm regarding Claim number [REDACTED]. This payment was made by check number [REDACTED] by Deborah Sowder on her own behalf as the named insured and listed as an indemnity.

14. On or about March 1, 2022, the Respondent was criminally charged in the District Court of Geary County with one count of theft or property lost, mislaid or delivered by mistake, a felony, related claim for the allegedly lost ring in Case Number GE-2022-CR-000102.

15. On June 30, 2022, in the District Court of Geary County Kansas, the Respondent entered a plea of No Contest to an amended charge of criminal deprivation of property, a misdemeanor, and was placed on probation for the charge in connection with this matter. As a result the Respondent was convicted of a misdemeanor.

Applicable Law

K.S.A. 40-4909(a)(6) provides:

The Commissioner may deny, suspend, revoke or refuse renewal of an insurance producer’s license upon a finding that the applicant or license holder has been convicted of a misdemeanor or felony.

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

The Commissioner may deny, suspend, revoke or refuse renewal of an insurance producer’s license upon a finding that the applicant or license holder 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 an insurance producer who has been convicted of a misdemeanor of this type be revoked.
2. It is in the public interest that the license of an insurance producer who engages in this type of fraudulent, dishonest, incompetent, untrustworthy claim behavior against an insurance company she is appointed with be revoked.

Conclusions of Law

1. The Commissioner has jurisdiction over **DEBORAH SOWDER** 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)(6), the Commissioner finds that Respondent's Kansas resident insurance producer's license may be revoked because **DEBORAH SOWDER** committed the offense of criminal deprivation of property and was subsequently convicted of that misdemeanor offense.
3. 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 **DEBORAH SOWDER**.

4. 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 **DEBORAH SOWDER**.

IT IS THEREFORE ORDERED BY THE COMMISSIONER OF INSURANCE THAT:

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


2. **IT IS FURTHER ORDERED** that **DEBORAH SOWDER** 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 13th DAY OF SEPTEMBER 2022, 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

DEBORAH SOWDER, 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:

Kathy Letch
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 on this 21st day of September 2022, by causing the same to be deposited in the United States Mail, certified, and first-class mail postage paid addressed to the following:

Deborah Sowder


[REDACTED]

Junction City, [REDACTED]

Mailing, Residential, and Business Address

And by electronic mail to:

[REDACTED]



Sarah Cowan
Legal Assistant