

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

**In the Matter of the Application for a)
Kansas Resident Insurance Producer’s)
License of BRADLEY WADE)
NPN # 7809624)**

Docket No. 91925

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 Bradley Wade (“Applicant”) for a Kansas resident insurance producer’s license by Default Order, as provided by K.S.A. 77-520.

Findings of Fact

1. On December 14, 2021, Applicant, a resident of Overland Park, Kansas, applied for a Kansas resident individual insurance producer license.
2. On January 18, 2022, 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 February 3, 2022, Applicant filed a timely request for a hearing.
4. The Legal Assistant to the Presiding Officer contacted the Applicant to schedule a time for a prehearing conference. The Applicant agreed that at 2:00 p.m. on April 11, 2022, he would be available for the prehearing conference.
5. On February 11, 2022, the Notice of Prehearing Conference enclosed with a copy of the Prehearing Questionnaire was sent to Applicant via United States Postal Service and email.

6. The Notice of Prehearing Conference advised the Applicant of the scheduled time of 2:00 p.m. on April 11, 2022, for the prehearing conference, and provided him call-in instructions for the prehearing conference.

7. The Notice of Prehearing Conference also stated the Applicant's Prehearing Questionnaire was due on March 28, 2022. The Notice of Prehearing Conference advised that failure to submit the completed Prehearing Questionnaire the Department by March 28, 2022, may result in a default ruling.

8. Applicant submitted his completed Prehearing Questionnaire on April 4, 2022.

9. On April 11, 2022, the Presiding Officer and the Department initiated the call for the Prehearing Conference at the scheduled time. The parties waited on the conference line for twenty (20) minutes for Applicant to join the telephone conference call. During that time, the Legal Assistant to the Presiding Officer called Applicant three times, emailed Applicant, and left Applicant a voicemail message letting him know he needed to call into the Prehearing Conference.

10. Applicant did not join the telephone conference call and thus failed to attend the Prehearing Conference.

11. To this date, Applicant has not contacted the Legal Assistant to the Presiding Officer or the Department regarding the Prehearing Conference.

Applicable Law

12. Before approving an application for a license, the Commissioner must determine 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).

13. 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.

14. Pursuant to K.S.A. 40-4909(d), “Any action taken under this 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.”

15. 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.”

16. Pursuant to K.S.A. 77-520(b), Applicant may file a written motion requesting this proposed default order be vacated stating the grounds relied on within seven (7) days after the service of this proposed default order.

17. 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.”

18. 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

19. 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.

20. 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.

21. The Commissioner finds that Applicant has failed to attend or participate in the required prehearing conference and a Proposed Default Order should be served in accordance with K.S.A. 77-520.

IT IS THEREFORE ORDERED THAT THE APPLICANT MUST SUBMIT A WRITTEN REQUEST TO VACATE THIS PROPOSED DEFAULT ORDER WITHIN SEVEN (7) DAYS OF THE DATE OF THIS ORDER. If a written request to vacate is not timely received, the Applicant's proceeding will be DISMISSED.

IT IS FURTHER ORDERED THAT Applicant's failure to file a timely written motion to vacate WILL RESULT IN THIS ORDER BECOMING EFFECTIVE AS A FINAL ORDER and Applicant's application for a Kansas nonresident insurance producer's license will be **DENIED.**

IT IS SO ORDERED THIS 18th DAY OF APRIL 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 66604

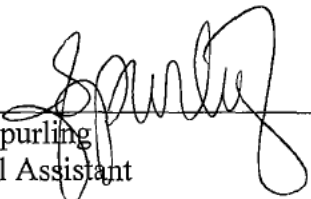
CERTIFICATE OF SERVICE

The undersigned hereby certifies that she served a true and correct copy of the above and foregoing PROPOSED DEFAULT ORDER on this 19th day of April 2022, by causing the same to be electronically mailed and placed in the United States Mail, first class postage prepaid addressed to the following:

Bradley Wade
[REDACTED]
Overland Park, KS [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