

5. Upon the Department's review of the documentation submitted with the application for the additional line of authority, it was determined that Respondent had been criminally charged for conduct occurring October 31, 2021, and was currently under court supervision for a misdemeanor charge. Specifically, in Volusia County Circuit Court, Seventh Judicial Circuit, Case No. 2021 305589 CFDB, the Respondent was charged on or about December 10, 2021, with a domestic violence felony. While the initial charging document was not submitted to the Department by the Respondent, the Respondent describes, in his written statement, the initial charge as a Felony Domestic Battery on Person with Child. The Court Action Form obtained by the Department in this matter described the initial charge as Domestic Battery by Strangulation. On or about March 24, 2022, the Respondent entered a plea of nolo contendere to an amended charge of Battery (Domestic Violence), a misdemeanor. The date of occurrence for the charge was October 31, 2021, and the victim was the Respondent's domestic partner at the time. The court withheld adjudication and placed the Respondent on probation for one year under the supervision by the Florida Department of Corrections. As of the date of this Summary Order, the Respondent remains on probation.

6. On or about September 1, 2022, the Respondent was subjected to a urinalysis drug screen and the results were a positive test for THC. The Respondent admitted to using THC gummies on or about August 21, 2022. The Respondent did not have a prescription for the drug at the time. The Respondent knowingly violated his court ordered probation as well as the state law in regarding to marijuana possession.

Applicable Law

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

The Commissioner may deny, suspend, revoke or refuse renewal of any license issued under this act if the Commissioner finds that the interests of the insurer or the insurable interests of the public are not properly served under such license.

Policy Reasons

1. It is in the public interest that the license of a producer who has been criminally charged with a crime of domestic violence resulting in a withheld adjudication be revoked.
2. It is in the public interest that the license of a producer who violated an order of probation by possession and use of a controlled substance at a time they did not hold a valid medical prescription be revoked.

Conclusions of Law

1. The Commissioner has jurisdiction over **MATTHEW NOEL** 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(b), the Commissioner finds that the insurable interests of the public are no longer properly served under the Kansas nonresident insurance producer's license of **MATTHEW NOEL** as the Respondent was placed on probation for a misdemeanor crime of violence occurring in October of 2021.
3. Pursuant to K.S.A. 40-4909(b), the Commissioner finds that the insurable interests of the public are no longer properly served under the Kansas nonresident insurance producer's license of **MATTHEW NOEL** as he violated his probation and Florida state law by possession a controlled substance for which he did not hold a valid prescription.

4. Pursuant to K.S.A. 40-4909(b), the Commissioner concludes that sufficient grounds exist for revocation of the Kansas nonresident insurance producer's license of **MATTHEW NOEL**.

IT IS THEREFORE ORDERED BY THE COMMISSIONER OF INSURANCE THAT:

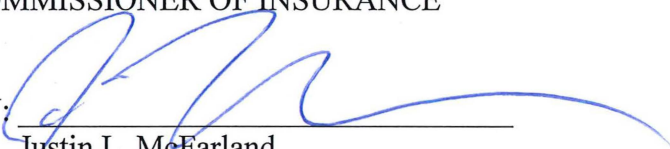
1. The Kansas nonresident insurance producer's license of **MATTHEW NOEL** is hereby **REVOKED** the effective date of this Order.

2. **IT IS FURTHER ORDERD** that **MATTHEW NOEL** shall **CEASE** and **DESIST** from the sale, solicitation or negotiation of insurance in Kansas and/or receiving compensation deriving from the sale, solicitation or negotiation of insurance in Kansas conducted after the effective date of this Order.

IT IS SO ORDERED THIS 25th **DAY OF** January **2023, 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

MATTHEW NOEL, within fifteen (15) days (plus 3 days for mailing) 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:

Mindy Forrer
Kansas Insurance Department

1300 SW Arrowhead Rd.
Topeka, Kansas 66604

Or via email to: mindy.forrer@ks.gov

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 (plus 3 days for mailing) 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 with the District Court, 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 of Revocation on this 25th day of January, 2023, by causing the same to be deposited in the United States Mail, certified, addressed to the following:

Matthew Noel

██████████
Palm Coast, FL ██████████

And via email to:

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Sarah Cowan
Legal Assistant