

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

**In the Matter of the Kansas Nonresident
Insurance Producer's License of
SIERRA SMITH
NPN # 18537632**

)
)
)
)

Docket No. 99214

SUMMARY ORDER
REFUSAL TO RENEW AND 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** and **REFUSES RENEWAL OF** the Kansas nonresident insurance producer's license of **SIERRA SMITH** ("Respondent"). This Summary Order 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 nonresident insurance producer on December 30, 2020, and her license expires March 31, 2023.
2. Respondent's address of record is [REDACTED], Lakeland, FL [REDACTED].
3. On or about December 30, 2020, Respondent submitted an initial application for a Kansas nonresident insurance producer license to the Kansas Insurance Department. This application did not answer any question in the affirmative, including the questions regarding criminal background information, and her application was processed accordingly and approved.
4. On January 12, 2023, Respondent submitted a Kansas nonresident insurance producer license renewal application ("Application") to the Kansas Insurance Department ("Department").

5. Respondent answered “Yes” to Question 1a of the Background Questions on the Application which asks, “Have you been convicted of a misdemeanor, had a judgment withheld or deferred, or are you currently charged with committing a misdemeanor, which has not been previously reported to this insurance department?”

6. Upon the Department’s review of the documentation submitted with the renewal application, it was determined that on January 15, 2019, Respondent had entered a plea of nolo contendere to a charge of Petit Theft in Polk County Circuit Court Criminal Division and the court withheld adjudication and placed her on probation in Case Number 2018MM-011762-A000-WH. The conduct leading to the petit theft charge occurred on or about December 16, 2018.

7. The above referenced charge resulting in a withheld adjudication should have been disclosed on the initial application for licensure submitted to the Department. Had this matter been properly disclosed, it is likely that the Respondent’s application would have been deferred for further review and possibly denied due to a recent criminal charge and deferred sentence on a petit theft matter as a charge of this nature presents a risk to the insurer’s interest and the insurable interest of the public.

8. Documents regarding this withheld adjudication were uploaded to the NIPR Attachments Warehouse on May 12, 2022.

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 entered into a plea of nolo contendere to the charge of theft resulting in a withheld adjudication within the past five years be revoked.

2. It is in the public interest that the Commissioner refuse renewal of the license application of a producer who has entered into a plea of nolo contendere to the charge of theft resulting in a withheld adjudication within the past five years.

Conclusions of Law

1. The Commissioner has jurisdiction over **SIERRA SMITH** 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 renewal application for a Kansas nonresident insurance producer's license may be refused renewal because **SIERRA SMITH** has entered into a plea of nolo contendere to the misdemeanor charge of theft from a 2018 arrest and incident and was subsequently placed on probation and received a withheld adjudication.

3. Pursuant to K.S.A. 40-4909(a)(6), the Commissioner finds that Respondent's Kansas nonresident insurance producer's license may be revoked because **SIERRA SMITH** has entered into a plea of nolo contendere to the misdemeanor charge of theft from a 2018 arrest and incident and was subsequently placed on probation and received a withheld adjudication.

4. 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 **SIERRA SMITH**.

5. Pursuant to K.S.A. 40-4909(a) and (b), the Commissioner concludes that sufficient grounds exist for revocation of the Kansas nonresident insurance producer's license of **SIERRA SMITH**.

6. Pursuant to K.S.A. 40-4909(a) and (b), the Commissioner concludes that sufficient grounds exist for refusing to renew the renewal application for the Kansas nonresident insurance producer's license of **SIERRA SMITH**.

IT IS THEREFORE ORDERED BY THE COMMISSIONER OF INSURANCE THAT:

1. The Kansas nonresident insurance producer's license of **SIERRA SMITH** is hereby **REFUSED RENEWAL** the effective date of this Order.

2. The Kansas nonresident insurance producer's license of **SIERRA SMITH** is hereby **REVOKED** the effective date of this Order.


3. **IT IS FURTHER ORDERD** that **SIERRA SMITH** 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 27th **DAY OF** March **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

SIERRA SMITH, 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 Refusal to Renew and Revocation on this 28th day of March 2023, by causing the same to be deposited in the United States Mail, certified, addressed to the following:

Sierra Smith

[REDACTED]
Lakeland, FL [REDACTED]

And via email to:

[REDACTED]



Sarah Cowan
Legal Assistant