

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

**In the Matter of the Kansas Nonresident)
Insurance Producer's License of)
DONALD WALTON)
NPN # 20107677)**

Docket No. 98161

SUMMARY ORDER OF REVOCATION

(Pursuant to K.S.A. 40-4905, K.S.A. 40-4906, 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. 40-4905, K.S.A. 40-4906, K.S.A. 40-4909, and K.S.A. 77-501 *et seq.*, the Commissioner hereby **REVOKES** the Kansas nonresident insurance producer's license of **DONALD WALTON** ("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 nonresident insurance producer on December 13, 2021 and remains licensed to date.
2. Respondent's address of record is [REDACTED] Fort Worth, TX [REDACTED]
3. On December 10, 2021, Respondent submitted an application for a Kansas nonresident insurance producer license through National Insurance Producer Registry ("NIPR"). As required to process the application, a payment in the amount of \$85.60 (which included an application fee of \$30.00, a biennial fee of \$50.00, plus NIPR transaction fees in the amount of \$6.18, hereinafter referred to collectively as "licensing fees") was submitted by the Respondent.
4. Respondent's nonresident insurance producer's license was issued with the understanding that the licensing fees were paid.

5. NIPR notified the Kansas Insurance Department (“Department”) that Respondent’s payment for the licensing fees was returned unpaid.

6. On June 15, 2022, the Department emailed the Respondent a letter informing the Respondent that payment for the licensing fees to NIPR was returned unpaid and requested payment be made to NIPR within 15 days. The letter included information on how to pay the licensing fees.

7. Respondent, to this date, has not responded to the Department or paid the licensing fees.

Applicable Law

K.S.A. 40-4905(a) provides:

Subject to the provisions of K.S.A. 40-4904, and amendments thereto, it shall be unlawful for any person to sell, solicit or negotiate any insurance within this state unless such person has been issued a license as an insurance agent in accordance with this act.

K.S.A. 40-4906(a)(2) provides:

Unless denied licensure pursuant to K.S.A. 40-4909, and amendments thereto, a nonresident person shall receive a nonresident agent license if such person has submitted the proper request for licensure and has paid to the Commissioner a nonrefundable application fee of \$30 and a biennial fee of \$50.

K.S.A. 40-4909(a)(2)(A) provides:

The Commissioner may deny, suspend, revoke or refuse renewal of an insurance producer’s license upon finding that Respondent has violated any provision of chapter 40 of the Kansas Statutes Annotated, and amendments thereto, or any rule and regulation promulgated thereunder.

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

The Commissioner may deny, suspend, revoke or refuse renewal of an insurance producer’s license upon finding that Respondent 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 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 an insurance producer who has not paid the required Kansas nonresident licensing fees be revoked.

2. It is in the public interest that the license of an insurance producer who has demonstrated untrustworthiness or financial irresponsibility in the conduct of business be revoked.

Conclusions of Law

1. The Commissioner has jurisdiction over **DONALD WALTON** 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)(2)(A), the Commissioner finds that Respondent's Kansas nonresident insurance producer's license may be revoked because **DONALD WALTON** has violated provisions of chapter 40 of the Kansas Statutes Annotated. The Commissioner finds that **DONALD WALTON** has failed to pay the licensing fees. *See K.S.A. 40-4906.*

3. Pursuant to K.S.A. 40-4909(a)(8), the Commissioner finds that Respondent's Kansas nonresident insurance producer's license may be revoked because **DONALD WALTON** 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 in that he failed to pay the licensing fees.

4. 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 nonresident insurance producer's license of **DONALD WALTON**.

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 **DONALD WALTON**.

IT IS THEREFORE ORDERED BY THE COMMISSIONER OF INSURANCE THAT:

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

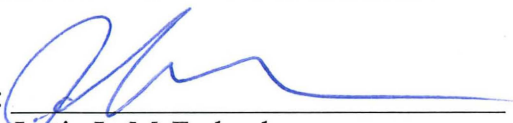
2. **IT IS FURTHER ORDERED** that **DONALD WALTON** shall **CEASE** and **DESIST** from the sale, solicitation or negotiation of insurance in Kansas and/or receiving compensation deriving from the sale, solicitation or negotiation of insurance in Kansas conducted after the effective date of this Order.

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

DONALD WALTON, 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: 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:

Donald Walton
[REDACTED]

Fort Worth, TX
Respondent

And via email to:
[REDACTED]



Sarah Cowan
Legal Assistant