

**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 ALYSON WEST)
NPN # 20448223)**

Docket No. 96300

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 Alyson West (“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 September 1, 2022, Applicant applied for a Kansas resident individual insurance producer license.
2. On October 12, 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 October 20, 2022, Applicant filed a timely request for a hearing.
4. On January 26, 2023, the Presiding Officer conducted a prehearing conference in this matter. Following the prehearing conference, a Prehearing Order was issued scheduling the formal hearing for March 28, 2023.
5. Upon motion of the Department, the Presiding Officer issued an order to continue the hearing to May 25, 2023, in order for the Department to obtain additional information from the Applicant which would be beneficial at the formal hearing. This included charging and sentencing documents for several misdemeanor and felony convictions.

6. Upon motion of the Department, the Presiding Officer issued an order on May 23, 2023, cancelling the May 25, 2023, hearing based on a request by the Applicant for more time to obtain the documentation requested by the Department. The May 23, 2023 Order directed the Applicant to provide the required documentation to the Department no later than June 26, 2023. The Order further specified that upon receipt of such documentation a hearing date would be scheduled at a time mutually agreed upon by the Department and Applicant.

7. The Applicant was advised by the Department's counsel by email on July 12, 2023, that all requested documentation had not been received, and that if she failed to provide the documentation on or before July 21, 2023, the Department would request that a Proposed Default Order be issued by the Presiding Officer. To date, the Applicant has not provided all information requested by the Department and has not communicated with the Department since May 18, 2023.

8. The Presiding Officer considers the above-stated facts to constitute grounds for a proposed default order on the basis that the Applicant has failed to respond to the orders to provide the Department with additional documentation and has failed to respond to the Department's inquiries about the matter. Such failure has prevented the Presiding Officer from scheduling a hearing date, which constitutes failure to participate in a stage of the hearing process.

Applicable Law

9. 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).

10. Pursuant to K.S.A. 40-4909(a)(1), the Commissioner may deny a license if the Applicant has provided incorrect, misleading, incomplete, or untrue information in the license application.

11. 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.

12. Pursuant to K.S.A. 40-4909(d), “[a]ny 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.”

13. Pursuant to K.S.A. 77-520(a), “[i]f 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.”

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

15. Pursuant to K.S.A. 77-520(c), “[t]he 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.”

16. Pursuant to K.S.A. 77-520(e), “[i]f 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

17. 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.

18. 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.

19. The Commissioner finds that Applicant has failed to respond to the Presiding Officer's request to schedule a status conference and a Proposed Default Order should be served in accordance with K.S.A. 77-520(a).

IT IS THEREFORE ORDERED THAT THE APPLICANT MUST SUBMIT A WRITTEN REQUEST TO VACATE THIS PROPOSED DEFAULT ORDER WITHIN SEVEN (7) DAYS (WITH AN ADDITIONAL THREE [3] DAYS FOR SERVICE) 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 resident insurance producer's license will be **DENIED.**

IT IS SO ORDERED THIS 11th DAY OF AUGUST 2023, 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
1300 SW Arrowhead Road
Topeka, KS 66604

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 11th day of August 2023, by causing the same to be electronically mailed and placed in the United States Mail, first class postage prepaid addressed to the following:

Alyson West
[REDACTED]

Marysville, 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



Mindy Forrer
Legal Assistant