

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

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| In the Matter of the Revocation of a |) | |
| Kansas Nonresident Insurance Producer’s |) | |
| License of JUSTIN CHAINE |) | Docket No. 107940 |
| NPN # 20777999 |) | |

ORDER DENYING UNTIMELY REQUEST FOR A HEARING
(Pursuant to K.S.A. 40-4906 and K.S.A. 77-501 *et seq.*)

The Kansas Insurance Department (“Department”) issued a Summary Order of Revocation (“Summary Order”) on June 18, 2024, revoking the Kansas nonresident insurance producer’s license of Justin Chaine (“Respondent”). Respondent submitted a request for a hearing after the deadline to request a hearing expired. **The Commissioner of Insurance (“Commissioner”) finds that the evidence establishes the Respondent’s request for a hearing was untimely and therefore denies the Respondent’s request.**

Findings of Fact

1. The second sentence of the first paragraph of the Summary Order states, “[t]his 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.”
2. The Summary Order contained a section entitled “Notice and Opportunity for Hearing,” which advised the Respondent that “within fifteen (15) days of service (plus 3 additional days for mailing) you shall file with the Kansas Insurance Department a written request for hearing on this Summary Order as provided by K.S.A. 77-542.” The section also specifically provided:

If a hearing is not requested, this Summary Order “shall become effective as a Final Oder without further notice upon the expiration of the fifteen (15) day period (Plus 3 additional days for mailing) for requesting a hearing. The Final Order will constitute final agency action on the matter.) [Emphasis added.]

3. Respondent’s deadline to submit a request for a hearing expired on July 8, 2024.

4. Respondent submitted a request for a hearing via email on July 16, 2024.

Applicable Law

5. Pursuant to K.S.A. 77-526(a), the Assistant Commissioner of Insurance acting on behalf of the Commissioner of Insurance as the agency head, as provided in K.S.A. 77-547, is empowered to render a Final Order.

6. Pursuant to K.S.A. 40-4905(g), “[a]ny applicant whose application for a license is denied shall be given an opportunity for a hearing in accordance with the provisions of the Kansas administrative procedure act [“KAPA”].”

7. Under K.S.A. 77-542(a), “[a]ny notice of agency action resulting in a right to request a hearing pursuant to the Kansas administrative procedure act must include a statement informing the person that a written request for a hearing must be filed with the agency within 15 days of service of the notice.”

8. Pursuant to K.S.A. 77-531(b), when a party has the right to request a hearing within a prescribed period of time after service of the notice and the notice is sent by mail or electronic means, three days shall be added to the prescribed period.

9. Pursuant to K.S.A. 77-537(b)(2), “[t]he state agency shall serve each party with a copy of the order in a summary proceeding in the manner prescribed by K.S.A. 77-531, and amendments thereto. The order shall include...notice of the time and manner for requesting a hearing on the order, as provided in K.S.A. 77-542.”

10. Pursuant to K.S.A. 77-537(b)(3), a summary order shall include “notice that, if a hearing is not requested, **the order shall become effective upon the expiration of the time for requesting a hearing.**” [Emphasis added.]

Findings of Fact and Conclusions of Law

11. The Assistant Commissioner of Insurance, as the Presiding Officer, is acting on behalf of the Commissioner of Insurance as the agency head and is empowered to render a Final Order.

12. Respondent was notified by the Summary Order that he had fifteen (15) days (with an additional three (3) days for service) to request a hearing to appeal the decision to revoke his license. Respondent was further notified that failure to appeal the decision would result in the Summary Order becoming effective as a final order. The Presiding Officer finds that the notice of the time and manner in which to request a hearing on the Summary Order revoking the Respondent's license provided by Department to the Respondent met the requirements of KAPA.

13. The Presiding Officer finds the hearing request submitted by Respondent on July 16, 2024, was untimely.

14. The Decision on the Summary Order became a Final Order when the Respondent did not request a hearing within the time specified in the notification included in the Summary Order.

IT IS THEREFORE ORDERED BY THE COMMISSIONER OF INSURANCE THAT Respondent submitted an untimely request for a hearing. The untimely request for a hearing is **DENIED**. The Decision on the Summary Order of Revocation dated June 18, 2024, became a **Final Order as a matter of law** when Respondent failed to timely request an administrative hearing.

IT IS FURTHER ORDERED THAT this Order Denying Untimely Request For A Hearing constitutes final action by the Department on this matter.

IT IS SO ORDERED THIS 18th DAY OF JULY 2024, 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 JUDICIAL REVIEW

Pursuant to K.S.A. 77-601 through K.S.A. 77-631, Respondent is entitled to judicial review of this Order Denying Untimely Request for Hearing as a final action by the Department. The petition for judicial review must be filed within thirty (30) days of service of the date of the Order Denying Untimely Request for Hearing (plus three [3] days for service by mail pursuant to K.S.A. 77-613). In the event Respondent 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

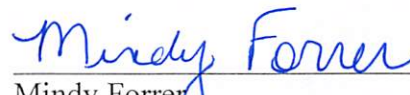
CERTIFICATE OF SERVICE

I hereby certify that I served a true and correct copy of the above-and-foregoing Order Denying Untimely Request for a Hearing upon Respondent by causing a copy of the same to be deposited in the United States mail, first class postage prepaid, on the 18th day of July 2024, addressed to the following:

Justin Chaine
4321 SW Shasta Ct.
Dunnellon, FL 34431
justinchaine@yahoo.com
Respondent

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