

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

In the Matter of the Kansas Resident)	
Insurance Producer’s License of)	
MIMI HORN)	Docket No. 107866
NPN # 21041616)	

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** the Kansas resident insurance producer’s license of **MIMI HORN** (“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 resident insurance producer on January 29, 2024, and expires on April 30, 2027.
2. Respondent’s address of record listed on her application is [REDACTED].
[REDACTED] Lawrence, KS 66046.
3. On January 10, 2024, Respondent submitted a Kansas resident insurance producer license application (“Application”) to the Kansas Insurance Department (“Department”).
4. 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?”

5. Respondent answered “No” to Question 1b of the Background Questions on the Application which asks, “Have you been convicted of a felony, had a judgment withheld or deferred, or are you currently charged with committing a felony, which has not been previously reported to this insurance department?”

6. On December 13, 2023, in connection with the license application process, the Respondent submitted a Waiver Agreement and FBI Privacy Act Statement. On this document, under penalty of perjury, the Respondent stated she had not been convicted of a crime.

7. In connection with the answer to Background Question 1a, the Respondent uploaded documents only revealing traffic offenses, misdemeanor unlawful use of a credit card and possession of drug paraphernalia convictions. Due to the fact that all the disclosed charges were a number of years old and none appeared to be felony convictions, Respondent’s background was approved and the license issued on January 29, 2024.

8. On or about May 1, 2024, the Respondent contacted the Department instructing the Department that American Income Life (“AIL”) had requested her to complete a 1033 Consent Waiver form or a statement from the Department as to one was not required.

9. The Department asked the Respondent to forward the request from AIL for the Department’s review on May 1, 2024.

10. The Respondent forwarded the email from AIL in which the AIL representative stated that due to the Respondent’s charges, the home office was requesting the 1033 Consent or something from the Department stating it was not required for the Respondent.

11. As a result of the request, the Department re-reviewed the Respondent’s application and background thoroughly. It was at that time, that it was discovered that there were at least two felony convictions, specifically theft and forgery which the Department

considers to be criminal felonies involving dishonesty or breach of trust, which were not disclosed to the Department either on the Resident Application or the Waiver Agreement and FBI Privacy Act Statement. In addition to these charges, the Respondent also failed to disclose multiple misdemeanor theft convictions, additional counts of criminal use of a financial card, and interference with administration of justice.

12. On May 15, 2024, Department staff instructed the Respondent they could not respond to her request due to her failure to disclose the required information to the Department at the time of submitting her application and she would hear from the Legal Division at a later date.

13. On June 14, 2024, the Department sent Respondent a letter, via email and U.S. mail to the address on the application and on file with the Department, requesting documentation regarding the convictions which had not been disclosed to the Department in connection with the resident application. The Department also included the 1033 application to be completed with additional documentation attached. To date, Respondent has failed to respond.

14. Respondent's providing incorrect, misleading, untrue and incomplete information on the application and the Waiver Agreement and FBI Privacy Act Statement regarding an extensive criminal background including crimes of dishonesty indicate that the Respondent obtained their resident insurance producer license by fraud or misrepresentation. The insurer's interest and insurable interest of the public is no longer served by this license and the Respondent cannot conduct business as an insurance producer as she has not obtained express consent by her home state to conduct the business of insurance under 18 U.S.C. 1033.

Applicable Law

K.S.A. 40-4909(a)(1) provides:

The Commissioner may deny, suspend, revoke or refuse renewal of any license issued under this act if the Commissioner finds that the applicant or license holder has provided incorrect, misleading, incomplete or untrue information in the license application.

K.S.A. 40-4909(a)(3) provides:

The Commissioner may deny, suspend, revoke or refuse renewal of any license issued under this act if the Commissioner finds that the applicant or license holder has obtained or attempted to obtain a license under this act through misrepresentation or fraud.

K.S.A. 40-4909(a)(17) provides:

The Commissioner may deny, suspend, revoke or refuse renewal of any license issued under this act if the Commissioner finds that the applicant or license holder has failed to respond to an inquiry from the commissioner within 15 business days.

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

The Commissioner may suspend, revoke or refuse renewal of an insurance producer's license upon finding that the interests of the insurer or the insurable interests of the public are not properly served under Respondent's license.

18 U.S.C. 1033(e) provides:

Any individual who has been convicted of any criminal felony involving dishonesty or a breach of trust, or who has been convicted of an offense under this section, and who willfully engages in the business of insurance whose activities affect interstate commerce or participates in such business, shall be fined as provided in this title or imprisoned not more than 5 years, or both. Any individual who is engaged in the business of insurance whose activities affect interstate commerce and who willfully permits the participation described in subparagraph (A) shall be fined as provided in this title or imprisoned not more than 5 years, or both. (2) A person described in paragraph (1)(A) may engage in the business of insurance or participate in such business if such person has the written consent of any insurance regulatory official authorized to regulate the insurer, which consent specifically refers to this subsection.

Policy Reasons

1. It is in the public interest that the license of a producer who has provided incorrect, misleading, untrue or incomplete information in the license application process be revoked, as the insurable interest of the public is no longer served by this license.

2. It is in the public interest that the license of a producer who has failed to respond to the inquiry of the Commissioner, including the request for a 1033 consent waiver application, within 15 business days be revoked.

3. It is in the public interest that the license of a producer who obtains or attempts to obtain a license under this act through misrepresentation or fraud be revoked.

4. It is in the public interest that the license of a producer who has failed to obtain 1033 Consent Waiver from the Department be revoked.

Conclusions of Law

1. The Commissioner has jurisdiction over **MIMI HORN** 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) and (b), the Commissioner finds that the insurable interests of the public are no longer properly served under the Kansas resident insurance producer's license of **MIMI HORN**.

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

IT IS THEREFORE ORDERED BY THE COMMISSIONER OF INSURANCE THAT:

1. The Kansas resident insurance producer's license of **MIMI HORN** is hereby **REVOKED** the effective date of this Order.

2. **IT IS FURTHER ORDERED** that **MIMI HORN** 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 30TH DAY OF AUGUST 2024, IN THE CITY OF
TOPEKA, COUNTY OF SHAWNEE, STATE OF KANSAS.



VICKI SCHMIDT
COMMISSIONER OF INSURANCE

BY: *Kimberley Davenport Megrail*
Kimberley Davenport Megrail
Senior Attorney

NOTICE AND OPPORTUNITY FOR HEARING

MIMI HORN, within fifteen (15) days of service (plus 3 additional days for service by mail) of this Summary Order, 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. In the event a hearing is requested, the attached form should be completed and submitted to:

Mindy Forrer
Kansas Department of Insurance
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 additional days for service by mail) 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 Department of Insurance
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 30th day of August 2024, by causing the same to be deposited in the United States Mail, certified, addressed to the following:

Mimi Horn

[REDACTED]

Lawrence, KS 66046

And via email to:

[REDACTED]



Sarah Cowan
Legal Assistant