

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

<b>In the Matter of the Application for a</b>	)	
<b>Kansas Nonresident Insurance Producer’s</b>	)	
<b>License of WILLIAM SCOTT KING</b>	)	<b>Docket No. 103210</b>
<b>NPN # 19915128</b>	)	

**NOTICE OF CANCELLATION OF PREHEARING CONFERENCE**  
**AND**  
**PROPOSED DEFAULT ORDER**

**PART I: CANCELLATION OF PREHEARING CONFERENCE.**

PLEASE TAKE NOTICE that Presiding Officer Barbara W. Rankin has canceled the Prehearing Conference in the above-referenced case that was scheduled for **February 20, 2024, at 2:00 p.m.**

A Notice of Prehearing Conference (“Notice”) and Prehearing Questionnaire (“PHQ”) were mailed via the U.S. Postal Service and also electronically mailed to William Scott King (“Applicant”) on November 13, 2023. The Notice provided that the Prehearing Conference was scheduled for January 23, 2024, and directed that the enclosed Prehearing Questionnaire “**must be completed and returned to the Department by Tuesday, January 16, 2024. “Failure to do so may result in a default ruling.”** [Emphasis in original.] Upon the Applicant’s request the Prehearing Conference was rescheduled for February 13, 2024. The Notice of Prehearing Conference Reschedule issued on January 17, 2024, required the PHQ to be returned to the Department by February 13, 2024, and stated, “[f]ailure to do so will result in cancellation of the rescheduled hearing.”

On February 5, 2024, the Applicant sent an email to the Presiding Officer’s assistant requesting that his licensing application be withdrawn, which was forwarded to the Department’s

counsel for a response. That same day, Senior Attorney Kimberley Davenport Megrail (“Department’s Counsel”) responded to the Applicant and advised him that (1) withdrawing his licensing application was not an option as the Department had already rendered a decision to deny his application, (2) that he could withdraw his hearing request (in which case the Department’s denial of his licensing application would become a final administrative order), or (3) he could continue with the hearing process. The Applicant did not respond to the Department’s counsel’s email.

The PHQ was not returned by the February 13, 2024 deadline. The Presiding Officer’s assistant sent the Applicant an email on February 14, 2024, advising:

If your completed Prehearing Questionnaire is not submitted by 5:00 p.m. (CST) today and/or we don’t receive an email from you requesting to withdraw your hearing request, your Prehearing Conference scheduled for February 20, 2024, will be cancelled. In such situations, the Presiding Officer typically issues a Proposed Default Order giving the Applicant seven days to submit a written request to vacate the Proposed Order. If a request to vacate is not timely received, your hearing request will be dismissed and the denial of your application by the Kansas Insurance Department will become a final order.

To date, neither the Prehearing Questionnaire nor a request to withdraw his hearing request has been received from the Applicant.

**Therefore, the Prehearing Conference scheduled for February 20, 2024, is canceled.**

**PART II: 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 the Applicant for a Kansas nonresident insurance producer’s license by Default Order, as provided by K.S.A. 77-520.

### **Findings of Fact**

1. On August 31, 2023, Applicant applied for a Kansas nonresident individual insurance producer license.

2. On October 31, 2023, the Kansas Insurance Department (“Department”) staff notified Applicant by letter that the application was denied based K.S.A. 40-4909(a)(6) and K.S.A. 40-4909(b).

3. On November 7, 2023, Applicant filed a timely request for a hearing.

4. On November 13, 2023, a Notice of Prehearing Conference (“Notice”) scheduling the prehearing conference for January 23, 2024, was sent to Applicant via the U.S. Postal Service and by email. Enclosed with the Notice was a Prehearing Questionnaire (“PHQ”).

5. The Notice directed the Applicant to complete and return the PHQ to the Department by a date set forth in the Notice. It further stated that failure to submit the completed PHQ to the Department by the deadline established in the Notice “may result in a default ruling.”

6. Upon a request by the Applicant, the Prehearing Conference was rescheduled for February 13, 2024. The Notice of Prehearing Conference Reschedule issued on January 17, 2024, required the PHQ to be returned to the Department by February 13, 2024, and stated, “[f]ailure to do so will result in cancellation of the rescheduled hearing.”

7. In response to an email from the Applicant, the Department’s Counsel advised the Applicant on February 5, 2024, that he could not withdraw his licensing application but had the option of withdrawing his request for a hearing. The Applicant did not reply to the Department’s Counsel’s email.

8. The PHQ was not submitted by the Applicant to the Department by February 13, 2024.

9. On February 14, 2024, the Applicant was notified by email by the Presiding Officer's assistant that the PHQ must be submitted by 5:00 p.m. on February 14, 2024, or the Prehearing Conference scheduled for February 20, 2024, would be canceled. She also advised that failure to either withdraw his request for a hearing or submitting the PHQ as required may result in the Presiding Officer issuing a proposed default order.

10. To date, the Applicant has not submitted his PHQ nor submitted a request to withdraw his hearing request.

11. A Notice of Cancellation of Prehearing Conference is included in Part I of this Proposed Default Order.

#### **Applicable Law**

12. Before approving an application for a license, the Commissioner of Insurance ("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. 40-4906(a).

13. 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.

14. Pursuant to K.S.A. 40-4909(b), the Commissioner may deny a license if the insurable interests of the public are not properly served under such license.

15. Pursuant to K.S.A. 40-4909(d), "Any action taken under this 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."

16. Pursuant to K.S.A. 77-520(a), "If 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."

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

18. Pursuant to K.S.A. 77-520(c), "The 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."

19. Pursuant to K.S.A. 77-520(e), "If 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**

20. 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.

21. 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.

22. The Commissioner finds that Applicant failed to submit the Prehearing Questionnaire or respond to the Department's communications regarding the Prehearing Questionnaire which constitutes the failure to participate in a stage of an adjudicative proceeding, and that a Proposed Default Order should be served in accordance with K.S.A. 77-520.

**IT IS THEREFORE ORDERED THAT THE APPLICANT MUST SUBMIT A WRITTEN REQUEST TO VACATE THIS PROPOSED DEFAULT ORDER WITHIN**

SEVEN (7) DAYS OF THE DATE OF THIS PROPOSED DEFAULT ORDER (PLUS THREE [3] DAYS FOR SERVICE BY MAIL PURSUANT TO K.S.A. 77-531). The written request to vacate must be accompanied by a completed prehearing questionnaire. If a written request to vacate, along with the completed prehearing questionnaire, 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 the DEPARTMENT'S DENIAL OF THE APPLICANT'S APPLICATION FOR A KANSAS NONRESIDENT INSURANCE PRODUCER'S LICENSE WILL ALSO BECOME A FINAL ORDER.

IT IS SO ORDERED THIS 16<sup>th</sup> DAY OF FEBRUARY, 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

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the above and foregoing Notice of Cancellation of Prehearing Conference was served on this 16<sup>th</sup> day of February 2024, by causing the same to be electronically mailed and placed in the United States Mail, first class postage prepaid addressed to the following:

William Scott King



*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*

A handwritten signature in blue ink that reads "Mindy Forrer".

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Mindy Forrer  
Legal Assistant