

**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 ALISHA PICKARD</b>	)	<b>Docket No. 105111</b>
<b>NPN # 20810595</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 **March 21, 2024, at 11:00 a.m.**

A Notice of Prehearing Conference (“Notice”) and Prehearing Questionnaire (“PHQ”) were mailed via the U.S. Postal Service and also electronically mailed to Alisha Pickard (“Applicant”) on February 19, 2024. The Notice provided that the Prehearing Conference was scheduled for March 21, 2024, and directed that the enclosed Prehearing Questionnaire “**must be completed and returned to the Department by Thursday, March 14, 2024. “Failure to do so may result in a default ruling.”**

Applicant was notified by the Presiding Officer’s assistant by email on March 18, 2024, that the Prehearing Questionnaire had not been returned by the March 14, 2024, deadline and that it must be returned by 5:00 p.m. (CDT) on March 18, 2024, or the Prehearing Conference would be cancelled, and a Proposed Default Order would be issued. In addition, the Presiding Officer’s assistant left a voice mail message for the Applicant on March 18, 2024, conveying the same

information. To date, the Prehearing Questionnaire has not been received from Applicant, nor has the Applicant communicated with the Department.

**Therefore, the Prehearing Conference scheduled for March 21, 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 September 13, 2023, Applicant applied for a Kansas nonresident individual insurance producer license.
2. On February 7, 2024, 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 February 15, 2024, Applicant filed a timely request for a hearing.
4. On February 19, 2024, a Notice of Prehearing Conference (“Notice”) scheduling the prehearing conference for March 21, 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. Applicant failed to submit the Prehearing Questionnaire as directed.

7. On March 18, 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 March 18, 2024, or the Prehearing Conference scheduled for March 21, 2024, would be canceled, and may result in the Presiding Officer issuing a proposed default order.

8. To date, the Applicant has not submitted her PHQ nor has the Applicant communicated with the Department.

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

#### **Applicable Law**

10. 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).

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(b), the Commissioner may deny a license if the insurable interests of the public are not properly served under such license.

13. 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."

14. 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."

15. 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.

16. 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.”

17. 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**

18. 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.

19. 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.

20. 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 20<sup>th</sup> DAY OF MARCH, 2024, IN THE CITY OF TOPEKA, COUNTY OF SHAWNEE, STATE OF KANSAS.

VICKI SCHMIDT  
COMMISSIONER OF INSURANCE



BY:

*Barbara W. Rankin*

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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 and Proposed Default Order was served on this 20th day of March 2024, by causing the same to be electronically mailed and placed in the United States Mail, first class postage prepaid addressed to the following:

Alisha Pickard



*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