

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

**In the Matter of the Kansas Nonresident)
Insurance Producer’s License of)
BENJAMIN ROBERTSON) Docket No. 111029
NPN # 8009950)**

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** and **REFUSES RENEWAL OF** the Kansas nonresident insurance producer’s license of **BENJAMIN ROBERTSON** (“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 nonresident insurance producer on April 14, 2020, and expired March 31, 2024.
2. Respondent’s address of record listed on his renewal application is [REDACTED], Fort Worth, TX 76179-[REDACTED]
3. On January 27, 2024, Respondent submitted a Kansas nonresident insurance producer license renewal application (“Application”) to the Kansas Department of Insurance (“Department”).
4. A review of the administrative history of the Respondent revealed the following administrative actions:

- a. On or about November 10, 2020, the South Carolina Department of Insurance entered into a Consent Order with the Respondent as the result of an investigation of a complaint regarding the submission of incorrect of evidence of insurance documents. As a result, the Respondent was assessed a fine in the amount of \$500.00.
- b. On or about January 8, 2021, the North Carolina Department of Insurance entered into a settlement agreement with the Respondent for allegations that the Respondent using fraudulent or dishonest practices and forging another's name to an application for insurance or to any document related to an insurance transaction. As a result, the Respondent was assessed a fine in the amount of \$250.00.
- c. On or about July 1, 2021, the Illinois Department of Insurance entered into a Consent Order with the Respondent for making a misstatement on a license application. As a result, the Respondent was issued a probationary license and assessed a fine in the amount of \$500.00.
- d. On or about July 8, 2021, the Utah Department of Insurance agreed to allow the Respondent to surrender his insurance producer license in lieu of a formal administrative action.
- e. On or about July 30, 2021, the Nebraska Department of Insurance revoked the Respondent's insurance producer license based on misstatements on the application, forgery and demonstrating a lack of fitness or trustworthiness after the investigation of a complaint.

- f. On or about January 5, 2022, the Wisconsin Department of Insurance denied the Respondent's application for licensure for failing to make the required disclosure on the license application.
 - g. On or about July 15, 2022, the North Carolina Department of Insurance entered into a settlement with the Respondent for failure to report another state's action. As a result, the Respondent was assessed a fine in the amount of \$250.00.
 - h. On or about August 30, 2022, the Florida Department of Financial Services revoked the Respondent's insurance producer license as a result of other state's administrative actions.
 - i. On or about January 19, 2023, the Alaska Department of Insurance denied the Respondent's license after a misstatement on the license application, failure to make the required disclosure on the license application, other state actions, failure to report other state's actions, failure to respond and demonstrating lack of fitness or trustworthiness.
 - j. On or about July 10, 2023, the New Mexico Department of Insurance revoked the Respondent's license as a result of other state's actions and the demonstrating of a lack of fitness or trustworthiness.
 - k. On or about December 1, 2023, the Virginia State Corporation Commission revoked the Respondent's license for failure to report other state action.
 - l. On or about February 27, 2024, the North Carolina Department of Insurance entered into a Consent Order for Respondent failing to report other state action.
5. On or about February 23, 2021, the Department received a notification that Chesapeake Life Insurance Company ("SureBridge") terminated the Respondent for cause due to

misconduct. The misconduct revealed by the investigation by SureBridge included the following conduct:

- a. Respondent allowed an unappointed person to sell, solicit or negotiate insurance for him.
- b. Respondent electronically signed applications for his clients or instructed others to do so which constitutes a fraudulent or dishonest practice in the conduct of business and forgery of an application for insurance or any document related to an insurance transaction.

6. The information revealed in the termination for cause matter as well as a review of the Respondent's regulatory history indicates that the insurer's interest and insurable interest of the public is no longer served by the Respondent's license.

Applicable Law

K.S.A. 40-4909(a)(2)(C) 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 violated any insurance law or regulation of another state.

K.S.A. 40-4909(a)(8) 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 used any fraudulent, coercive, or dishonest practice, or demonstrated any incompetence, untrustworthiness or financial irresponsibility in the conduct of business in this state or elsewhere.

K.S.A. 40-4909(a)(9) 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 had an insurance agent license, or its equivalent, denied, suspended or revoked in any state, district or territory.

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

The Commissioner may deny, suspend, revoke or refuse renewal of any license issued under this act if the Commissioner finds that the interests of the insurer or the insurable interests of the public are not properly served under such license.

Policy Reasons

1. It is in the public interest that the license of a producer who has violated the insurance laws or regulations of this state or other states be refused renewal and 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 been denied and insurance license or had an insurance license suspended or revoked in another state be refused renewal and revoked in our state.
3. It is in the public interest that the license of a producer who has used fraudulent or dishonest practices in the conduct of business be refused renewal and revoked.
4. It is in the public interest that the license of a producer who has forged another's name to an application for insurance or to any document related to an insurance transaction.

Conclusions of Law

1. The Commissioner has jurisdiction over **BENJAMIN ROBERTSON** 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 nonresident insurance producer's license of **BENJAMIN ROBERTSON**.
3. Pursuant to K.S.A. 40-4909(a) and (b), the Commissioner concludes that sufficient grounds exist for refusing to renew the renewal application for the Kansas nonresident insurance producer's license of **BENJAMIN ROBERTSON**.

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

IT IS THEREFORE ORDERED BY THE COMMISSIONER OF INSURANCE THAT:

1. The Kansas nonresident insurance producer's license of **BENJAMIN ROBERTSON** is hereby **REFUSED RENEWAL** the effective date of this Order.

2. The Kansas nonresident insurance producer's license of **BENJAMIN ROBERTSON** is hereby **REVOKED** the effective date of this Order.

3. **IT IS FURTHER ORDERED** that **BENJAMIN ROBERTSON** 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 4th DAY OF NOVEMBER 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

BENJAMIN ROBERTSON, within fifteen (15) days of service (plus 3 additional days for service by mail) of this Summary Order, you shall file with the Kansas Department of Insurance a written request for hearing on this Summary Order, as provided by K.S.A. 77-542. In the event a hearing is requested, such request should be directed to:

Mindy Forrer
Kansas Department of Insurance
1300 SW Arrowhead Rd.
Topeka, Kansas 66604

Or via email: 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(g). 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 (with an additional three (3) days for service by mail) period 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, 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 Department of Insurance 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 Refusal to Renew and Revocation on this 4th day of November 2024, by causing the same to be deposited in the United States Mail, certified, addressed to the following:

Benjamin Robertson

[REDACTED]
Fort Worth, TX 76179-[REDACTED]

And via email to:

[REDACTED]



Sarah Cowan
Legal Assistant