

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

In the Matter of the Application for a)	
Kansas Nonresident Insurance Producer's)	
License of MAREISHA WALKER)	Docket No. 102839
NPN # 20833327)	

NOTICE OF CANCELLATION OF HEARING
AND
PROPOSED DEFAULT ORDER

PART I: CANCELLATION OF HEARING.

PLEASE TAKE NOTICE that Presiding Officer Barbara W. Rankin has canceled the hearing in the above-referenced case that was scheduled for **April 24, 2024, at 10:00 a.m.**

A Prehearing Order was mailed via USPS and electronically mailed to the Applicant on February 19, 2024. The Prehearing Order required Applicant to pay the \$500.00 hearing fee on or before April 17, 2024.

Applicant was notified by the Presiding Officer's assistant by email on April 18, 2024, that the hearing fee must be paid by 5:00 p.m. CDT on April 18, 2024, or the hearing would be canceled. A phone call was also placed to the Applicant at the phone number the Kansas Department of Insurance ("Department") has on file for the Applicant but was unable to receive as her voice message mailbox was full.

**IT IS THEREFORE ORDERED THAT THE HEARING SCHEDULED FOR
APRIL 24, 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 7, 2023, Applicant applied for a Kansas nonresident individual insurance producer license.

2. On October 11, 2023, the Kansas Insurance Department (“Department”) staff notified Applicant by letter that the application was denied based on K.S.A. 40-4909(b).

3. On October 15, 2023, Applicant filed a timely request for a hearing. As part of her request for a hearing, the Applicant signed a form acknowledging that in the event a hearing was scheduled, she would be responsible for paying investigative and hearing costs in the amount of \$500.00 prior to the hearing date, as provided for by K.S.A. 40-4909(g).

4. On February 7, 2024, at 2:00 p.m. CDT, a Prehearing Conference was held via conference call. The Applicant appeared pro se and the Department appeared by counsel. A hearing was scheduled for April 24, 2024, at 10:00 a.m. CDT. Applicant was instructed to (1) provide certain documentation to the Department’s Counsel by April 10, 2024, and (2) pay the investigative and hearing costs of \$500.00 (“Hearing Fee”) no later than April 17, 2024. This information was included in the Prehearing Order issued by the Presiding Officer on February 19, 2024. The Prehearing Order further stated, **“If the fee is not paid by the established deadline, the hearing will be cancelled, and a Proposed Default Order issued pursuant to K.S.A. 40-4909 and K.S.A. 77-501 *et seq.*”** [Emphasis in original.]

5. Neither the requested documentation nor the Hearing Fee were received by the applicable deadlines. On April 18, 2024, the Presiding Officer's assistant notified the Applicant by email that the hearing fee must be paid by 5:00 p.m. CDT on April 18, 2024, or the hearing would be canceled. A phone call was also placed to the Applicant at the phone number the Kansas Department of Insurance ("Department") has on file for the Applicant but was unable to receive as her voice message mailbox was full.

6. To this date, Applicant has not paid the \$500.00 Hearing Fee. She further has not provided the additional documentation specified in the Prehearing Order.

7. A Notice of Cancellation of Hearing is included in Part I of this Proposed Default Order.

Applicable Law

8. 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).

9. 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.

10. 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.

11. 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."

12. K.S.A. 40-4909(g) specifically authorizes the Commissioner of Insurance to charge costs associated with conducting an administrative hearing requested by a person who has been denied an insurance producer's license.

13. 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."

14. 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.

15. 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."

16. 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

17. 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.

18. 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.

19. The failure to pay a required hearing fee prior to a scheduled hearing, thus causing a cancellation of the hearing, is equivalent to failing to participate in a required stage of an

adjudicative proceeding under K.S.A. 77-520. The Commissioner finds that a Proposed Default Order is appropriate and 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 payment¹ for the required \$500.00 Hearing Fee to avoid further delay. If a written request to vacate and payment of the Hearing Fee 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 22nd DAY OF April, 2024, IN THE CITY OF TOPEKA, COUNTY OF SHAWNEE, STATE OF KANSAS.

VICKI SCHMIDT
COMMISSIONER OF INSURANCE



BY:

Barbara W. Rankin
Assistant Commissioner
Presiding Officer

¹ The Applicant should contact the Presiding Officer's administrative assistant for information on methods available to pay the Hearing fee.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the above and foregoing Notice of Cancellation of Hearing and Proposed Default Order was served on this 22nd day of April 2024, by causing the same to be electronically mailed and placed in the United States Mail, first class postage prepaid addressed to the following:

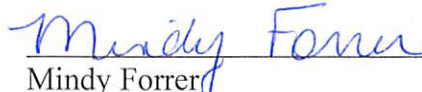
Mareisha Walker



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