

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

In the Matter of the Application for a)	
Kansas Resident Insurance Agent's)	Docket No. 2700-L
License of ROBERT L. DUTTON)	

CONSENT ORDER

Robert L. Dutton ("Dutton") wishes to resolve this matter without formal adjudicative proceedings by entering into this consent order. The Commissioner of Insurance ("Commissioner") hereby makes the following findings of fact, conclusions of law, and order, to-wit:

Findings of Fact

1. Records maintained by the Kansas Insurance Department ("KID") indicate that Dutton is a resident of the State of Kansas, has a current mailing address of 5 Crescent Boulevard, Hutchinson, Kansas 67502, and filed an application for a Kansas resident insurance agent's license which was denied.
2. The Commissioner has jurisdiction over the subject matter of this proceeding, and this proceeding is held in the public interest.
3. On October 1, 1998, KID received Dutton's application and materials for a Kansas resident insurance agent's license.
4. Information submitted to KID and it's subsequent investigation indicated that on October 6, 1989, Dutton's license was revoked by KID and subsequently he failed

to pay premium taxes and penalties in the amount of \$2,046.40 as ordered by the Commissioner.

5. On October 2, 1998, KID sent a letter to Dutton informing him that in view of the actions requesting judgment filed against him, he had failed to establish that he was of good business reputation and worthy of a license and his application for an agent's license was denied.

6. On October 6, 1998, KID received a telephone call from Dutton wherein he requested a hearing.

7. Over the course of several months, KID had numerous telephone conversations with Dutton as to the reason why his license was earlier revoked and his paying the money back to KID. Dutton was the majority owner in an agency. He left the agency to start another business. Therefore, Dutton left all financial records with the agency. Shortly after he left the agency, KID billed the agency for premiums collected for excess and surplus lines accounts that had been sold and collected while he was in the agency. Dutton fully admits that he was the person responsible for the funds. However, since he left the agency, he left the funds with the agency. The funds did not get paid to KID.

8. KID informed Dutton that the \$2,046.40 must be paid before he could get his license. However, he cannot afford to pay the money until he gets a job which he can't get until he gets his license.

9. An agreement was entered into between KID and Dutton whereby Dutton agreed to pay KID the \$2,046.40 over a period of eight (8) months and KID agreed to approve his application for a license so that he could get a job to pay the money off.

Conclusions of Law

10. K.S.A. 1998 Supp. 40-240 provides, in relevant part:

“(a) Any person desiring as agent to engage in the insurance business...shall establish:...

(2) that the applicant is of good business reputation and is worthy of a license.”

11. Based upon the information contained in paragraphs 3 through 5 above, it appears that sufficient evidence exists for the denial of Robert L. Dutton’s application for an insurance agent’s license pursuant to K.S.A. 1998 Supp. 40-240, in accordance with the procedures set forth in the Kansas Administrative Procedure Act, K.S.A. 77-501, et seq., as amended.

12. Robert L. Dutton admits to the allegations set forth herein this order as described above.

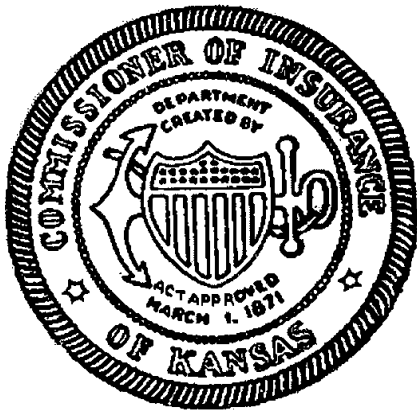
13. For the purposes of this Consent Order, Robert L. Dutton waives his right to a formal adjudicative proceeding and notice thereof and voluntarily consents to the following order of the Commissioner of Insurance.

IT IS THEREFORE ORDERED BY THE COMMISSIONER OF INSURANCE THAT:

1. Robert L. Dutton will be issued a Kansas resident insurance agent’s license upon the receipt of this signed Consent Order.

2. Robert L. Dutton will pay \$2,046.40 to the Kansas Insurance Department within the next eight (8) months from the date of this order.

IT IS ORDERED THIS 24th DAY OF FEBRUARY 1999 IN THE CITY OF TOPEKA, COUNTY OF SHAWNEE, STATE OF KANSAS.



/S/

Kathleen Sebelius
Commissioner of Insurance

BY:

Robert L. Kennedy, Jr.
Assistant Commissioner

/S/

Robert L. Dutton

APPROVED AND SUBMITTED BY:

/S/

JaLynn Copp
Attorney for Petitioner
Kansas Insurance Department