

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

In the Matter of the Application for a)	
Kansas Nonresident Insurance Agent's)	Docket No. 2749-CO
License of NICHOLAS M. KREBS JR.)	

CONSENT ORDER

Nicholas M. Krebs Jr. ("Krebs") 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 Krebs is a resident of the State of South Dakota, has a current mailing address of 251 East St. Andrew, Rapid City, South Dakota 57701, and filed an application for a Kansas nonresident 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 September 9, 1998, KID received Krebs' application and materials for a Kansas nonresident insurance agent's license.
4. On the NAIC Midwest Zone Uniform Application for Individual Resident/Nonresident License, Krebs answered "Yes" to Question C, which asks, "Have you ever been convicted of or pled nolo contendere (no contest) to any misdemeanor or

felony or currently have pending misdemeanor or felony charges filed against you?
(Misdemeanor does not mean minor traffic violations.)”

5. On the Kansas Specific Application, Krebs answered “Yes” to Question F which asks, “Have you been convicted of, or pleaded guilty or nolo contendere, to any misdemeanor or felony?”

6. On September 21, 1998, KID sent a letter to Krebs requesting further details and circumstances surrounding the conviction, the disposition rendered, whether he was currently subject to probation or parole, a copy of the appropriate court order or judgment regarding disposition and sentencing and three current letters of recommendation from individuals other than insurance personnel or relation who would attest to his good business reputation.

7. On October 21, 1998, KID sent a letter to Krebs stating that his application for a Kansas insurance agent’s license was denied because he failed to respond to KID’s September 21st letter.

8. On October 26, 1998, Krebs sent information to KID indicating that on November 1, 1991 he was convicted of driving while under the influence of an alcoholic beverage. He also included letters of recommendation.

Conclusions of Law

9. 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.”

10. Based upon the information contained in paragraphs 3 through 7 above, it appears that sufficient evidence exists for the denial of Nicholas M. Krebs Jr.'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.

11. Nicholas M. Krebs Jr. admits to the allegations set forth herein this order as described above.

12. For the purposes of this Consent Order, Nicholas M. Krebs Jr. waives the 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. Nicholas M. Krebs Jr. will be issued a Kansas nonresident insurance agent's license upon the receipt of this signed Consent Order.

IT IS ORDERED THIS __1st__ DAY OF JULY 1999 IN THE CITY OF TOPEKA, COUNTY OF SHAWNEE, STATE OF KANSAS.



_____/s/ Kathleen Sebelius_____
Kathleen Sebelius
Commissioner of Insurance
BY:

_____/s/ Kathy Greenlee_____
Kathy Greenlee
General Counsel

/s/ Nicholas M. Krebs, Jr.
Nicholas M. Krebs Jr.

APPROVED AND SUBMITTED BY:

/s/ JaLynn Copp
JaLynn Copp
Attorney for Petitioner
Kansas Insurance Department