

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

**FINAL ORDER  
July 9, 1999**

In the matter of  
Eugene C. Largent

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)

Docket No. 2718-L

**FINAL ORDER**

*(Pursuant to K.S.A. 1998 Supp. 40-242  
and K.S.A. 1998 Supp. 77-527)*

Pursuant to the authority granted to the Commissioner of Insurance ("Commissioner") by K.S.A. 1998 Supp. 40-242 and K.S.A. 1998 Supp. 77-527, this matter comes on for agency head review. After reviewing the record and the briefs submitted by the parties, and having been well advised in the premises, the Commissioner hereby affirms the Initial Order in the captioned cause, previously issued on January 21, 1999, ("Initial Order"). The Commissioner hereby adopts the following findings of fact, conclusions of law and policy reasons therefore, as required by K.S.A. 1998 Supp. 77-527(h) and K.S.A. 1998 Supp. 77-526(c), to wit:

**Findings of Fact**

1. The Findings of Fact made by the Presiding Officer, and as set forth in ¶s 1 through 16 of the Initial Order, are incorporated herein by reference.

**Legal Authority  
and Conclusions of Law**

2. K.S.A. 1998 Supp. 40-242 states in pertinent part:

Revocation or suspension of broker's or agent's license; hearing; disciplinary proceedings; costs; administrative penalties. (a) The commissioner of insurance may impose a penalty prescribed by subsection (e) or revoke or suspend the license of a broker or agent in the event that investigation by the commissioner discloses that:...

- (2) the holder of such license had misrepresented the provisions, terms, and conditions contained in any contract of insurance;...
- (4) the holder of such license has intentionally omitted any material fact in such presentation;...
- (7) the interests of the insurer or the insurance interests of the public are not properly served under such license...
- (c) In the event the commissioner of insurance imposes a penalty as permitted under subsection (e) or suspends or revokes the license of any agent or broker, any costs incurred as a result of conducting any administrative hearing authorized under the provisions of this section shall be assessed against the broker or agent who is the subject of the hearing or the company or companies represented by such broker or agent who is the party to the matters giving rise to the hearing.  
(Emphasis added)

3. K.S.A. 40-103 grants to the commissioner of insurance “[g]eneral supervision, control and regulation of... persons authorized to transact the business of insurance... in this state....”

4. Based on the record on appeal, the briefs submitted for agency head review, and the above adopted Findings of Fact, Legal Authority and Conclusions of Law, the Petitioner violated the Agreed Order to Cease and Desist and K.S.A. 40-242(2), (4) and (7).

### **Policy Reasons Therefore**

5. The one year suspension of the Petitioner's license as ordered in the Initial Order by the presiding officer is appropriate, and commensurate to Petitioner's violations of insurance law. The suspension is not excessive and is an appropriate disciplinary measure.

5. It is the Commissioner of Insurance's duty to protect the interest of the public as insurance consumers. The public's interest in protecting insurance consumers outweighs the reversal of the presiding officer's initial order.

**IT IS THEREFORE ORDERED BY THE COMMISSIONER OF INSURANCE,  
THAT:**

1. The Initial Order in this matter issued on January 21, 1999, be affirmed, and
2. That the Petitioner's license is hereby suspended for a period of one year.

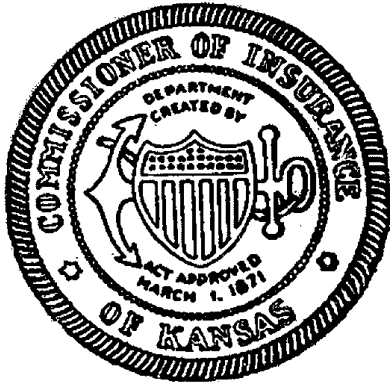
### **NOTICE OF FINAL AGENCY ACTION AND JUDICIAL REVIEW**

The issuance of this Final Order constitutes final agency action in this matter. Accordingly, all administrative remedies available to the Petitioner are hereby deemed exhausted, and the filing of a petition for reconsideration is not a prerequisite for judicial review.

The Petitioner may, within thirty (30) days of service of this Final Order, file a petition for judicial review in the appropriate court, as provided for by K.S.A. 77-613. In the event the Petitioner files a petition for judicial review, the agency officer to be served on behalf of

the Kansas Insurance Department is: Kathy Greenlee, General Counsel, Kansas Insurance Department, 420 SW 9<sup>th</sup> Street, Topeka, KS 66612.

**IT IS SO ORDERED THIS 9<sup>th</sup> DAY OF JUNE 1999, IN THE CITY OF TOPEKA,  
COUNTY OF SHAWNEE, STATE OF KANSAS.**



/S/  
COMMISSIONER OF INSURANCE

**CERTIFICATE OF MAILING**

This is to certify that a copy of the Final Order was mailed on the 11<sup>th</sup> day of June 1999 to:

John Frieden  
FRIEDEN, HAYNES & FORBES  
P.O. Box 639  
Topeka, KS 66601

JaLynn Copp (HAND DELIVERED)  
Staff Attorney  
Kansas Insurance Department  
420 SW 9<sup>th</sup> Street  
Topeka, Kansas 66612

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/s/  
Yolande C. Bennett  
Hearing/Appeal Clerk