

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

FINAL ORDER Effective: 1-27-03
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In the Matter of the Kansas Nonresident)
Insurance Agent’s License of)
BELINDA AGNES MOTIL) Docket No. 3117-SO

SUMMARY ORDER
(Pursuant to L. 2002, Ch. 158, Sec. 21
And K.S.A. 77-537)

Pursuant to authority granted to the Commissioner of Insurance (“Commissioner”) by L. 2002, Ch. 158, Sec. 21, the Commissioner hereby revokes the license of Belinda Agnes Motil (“Motil”), by way of Summary Order, as provided by K.S.A. 77-537.

The Commissioner has been shown the following facts, and takes the following action:

1. Records maintained by the Kansas Insurance Department (“KID”) indicate that Motil is a resident of the State of Virginia, and has a current mailing address of 1805 Clearbrook Lane, Virginia Beach, Virginia 23464, and that she is licensed to transact the business of insurance as a nonresident agent in the State of Kansas.
2. Accordingly, the Commissioner has jurisdiction over Motil and the subject matter of this proceeding, and such proceeding is held in the public interest.
3. On October 9, 2001, the KID received an application for license from Motil, certifying such application by signing it before a notary public, and swearing that all answers thereon were true and correct. She answered “Yes” to the question “Have you or any business in which your are or were owner, partner, officer or director ever

been involved in an administrative proceeding regarding any professional or occupational license?” The application further states, “‘Involved’ also means having a license application denied or the act of withdrawing an application to avoid a denial.”

4. Attached to Motil’s application was a letter from her attorney explaining that she surrendered her Virginia insurance agent’s license while an investigation was pending, that no action was ever taken against her license and when she applied for an insurance agent’s license with Virginia in 1998 it was reissued. There was no mention of anything Motil’s license being denied or suspended in any other state.

5. Based on the information contained in Motil’s application and the letter from her attorney, she was issued a nonresident license to transact the business of insurance in the State of Kansas on October 10, 2001.

6. On August 13, 2002, Motil was appointed as an agent for American Health and Life Insurance Company (“American Health”).

7. On September 30, 2002, American Health sent a letter to the KID terminating American Health’s appointment of Motil because they had received notification from the Commonwealth of Virginia Bureau of Insurance that the State Corporation Commission had revoked the resident insurance license of Motil effective September 4, 2002. A copy of the Order from Virginia was enclosed with the letter from American Health.

8. Motil’s resident insurance agent’s license was revoked by the State of Virginia because she had provided untrue information on her insurance agent license application filed with the State Corporation Commission and other state insurance departments.

9. The KID confirmed with the National Association of Insurance Commissioners through the Regulatory Information Retrieval System that Motil's resident insurance agent's license had, indeed, been revoked by the State of Virginia. The KID also found out the following: On February 2, 1999, Motil's application for an insurance license was denied by the State of Wisconsin; on April 12, 1999, Motil's application for an insurance license was denied by the State of Missouri; and on August 12, 1999, Motil's insurance agent's license in the State of Iowa was suspended and she was ordered to pay a \$500 penalty. None of these actions were disclosed on Motil's application for a nonresident insurance agent's license in Kansas when she answered the question described in paragraph 3 above.

10. Motil has failed or refused to notify the KID of the revocation of her resident insurance agent's license by the State Corporation Commission of the Commonwealth of Virginia Bureau of Insurance.

11. Since American Health terminated their appointment of Motil, which was the only appointment she had in the State of Kansas, she has not been certified or appointed to transact the business of insurance by any other insurance company.

Conclusions of Law

12. K.S.A. 40-241 provides, in relevant part:

“...If the commissioner of insurance finds that the individual applicant is trustworthy, competent and has satisfactorily completed the examination, the commissioner shall forthwith issue to the applicant a license as an insurance agent but the issuance of such license shall confer no authority to transact business in this state until the agent has been certified by a company pursuant to K.S.A. 40-241i, and amendments thereto...”

13. L. 2002, Ch. 158, Sec. 21 provides, in relevant part:

“(a) The commissioner may...revoke...any license issued under this act if the commissioner finds that the...license holder has:...

(1) Provided incorrect, misleading, incomplete or untrue information in the license application.

(2) Violated:

(A) Any provision of chapter 40 of the Kansas Statutes Annotated, and amendments thereto, or any rule and regulation promulgated thereunder;...

(C) any insurance law or regulation of another state;...

(3) Obtained or attempted to obtain a license under this act through misrepresentation or fraud....

(9) Had an insurance agent license, or its equivalent, denied, suspended or revoked in any other state, district or territory....

(b) In addition, the commissioner may...revoke...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...”

14. K.A.R. 40-7-9 provides, in relevant part:

“Each person licensed in this state as an insurance agent shall, within 30 days of occurrence, report to the commissioner of insurance:...

(a) Each disciplinary action on the agent’s license or licenses by the insurance regulatory agency of any other state or territory of the United States;...”

15. Based upon the information contained in paragraphs 6 through 7 and 11 above, it appears that Belinda Agnes Motil has not been certified or appointed by an insurance company and, therefore, has no authority to transact the business of insurance in the State of Kansas, in violation of K.S.A. 40-241.

16. Based upon the information contained in paragraphs 3 through 4 and 9 above, it appears that Belinda Agnes Motil provided incorrect, misleading, incomplete or untrue information in the license application, in violation of L. 2002, Ch. 158, Sec. 21(a)(1).

17. Based upon the information contained in paragraph 10 above, it appears that Belinda Agnes Motil has violated K.A.R. 40-7-9 by failing or refusing to notify the KID of the revocation of her resident insurance agent's license by the State Corporation Commission of the Commonwealth of Virginia Bureau of Insurance, in violation of L. 2002, Ch. 158, Sec. 21(a)(2)(A).

18. Based upon the information contained in paragraphs 7 through 9 above, it appears that Belinda Agnes Motil has violated the laws or regulations of the State of Virginia by providing untrue information on her insurance agent license application filed with the State Corporation Commission and other state insurance departments, in violation of L. 2002, Ch. 158, Sec. 21(a)(2)(C).

19. Based upon the information contained in paragraphs 3 through 4 and 9 above, it appears that Belinda Agnes Motil obtained or attempted to obtain a license through misrepresentation or fraud, in violation of L. 2002, Ch. 158, Sec. 21(a)(3).

20. Based upon the information contained in paragraphs 7 through 9 above, it appears that Belinda Agnes Motil had her insurance agent's license revoked by the State Corporation Commission of the Commonwealth of Virginia Bureau of Insurance, in violation of L. 2002, Ch. 158, Sec. 21(a)(9).

21. Based upon the information contained in paragraph 10 above, it appears that Belinda Agnes Motil failed or refused to notify the KID of her resident insurance

license revocation by the State Corporation Commission of the Commonwealth of Virginia Bureau of Insurance, in violation of K.A.R. 40-7-9(a).

22. Additionally, based upon the information contained in paragraphs 3 through 11 above, it appears that the interests of the insurer and insurable interests of the public are not properly being served under Belinda Agnes Motil's license, in violation of L. 2002, Ch. 158, Sec. 21(b).

23. Accordingly, sufficient grounds exist for the revocation of the nonresident insurance agent's license of Belinda Agnes Motil, pursuant to L. 2002, Ch. 158, Sec. 21.

24. Based upon the facts and circumstances set forth hereinabove, it appears that the use of summary proceedings in the manner set forth herein does not violate any provision of the law, and the protection of the public interest does not require the KID to give notice and opportunity to participate to persons other than Belinda Agnes Motil, all in accordance with the provisions set forth in K.S.A. 77-537(a).

IT IS THEREFORE ORDERED BY THE COMMISSIONER OF INSURANCE THAT:

The Kansas nonresident insurance agent's license of Belinda Agnes Motil is hereby revoked.

Notice and Opportunity for Hearing

Belinda Agnes Motil, within fifteen (15) days of service of this Summary Order, may file with the KID written request for a hearing on this Summary Order, as provided for by K.S.A. 77-542. In the event a hearing is requested, such request should be directed

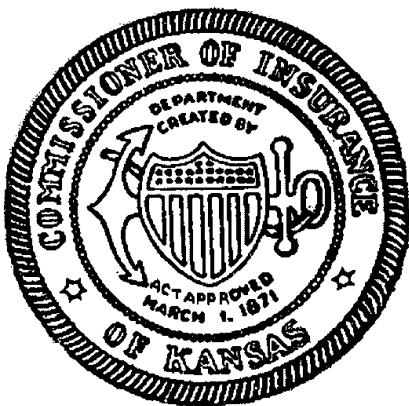
to:

Linda Sheppard
Assistant General Counsel
Kansas Insurance Department
420 S.W. 9th Street
Topeka, Kansas 66612

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 period for requesting a hearing.

Any costs incurred as a result of conducting any administrative hearing authorized under the provision of L. 2002, Ch. 158, Sec. 21 shall be assessed against the agent who is the subject of the hearing, as provided for under L. 2002, Ch. 158, Sec. 21(f). Costs shall include witness fees, mileage allowances, any costs associated with the reproduction of documents which become part of the hearing record and the expense of making a record of the hearing.

IT IS SO ORDERED THIS 7th DAY OF JANUARY, 2003, IN THE CITY OF TOPEKA, COUNTY OF SHAWNEE, STATE OF KANSAS.



_____/s/ Kathleen Sebelius_____

Kathleen Sebelius
Commissioner of Insurance
BY:

_____/s/ Linda Sheppard_____

Linda Sheppard
Assistant General Counsel

Certificate of Service

The undersigned hereby certifies that the above and foregoing Summary Order was served this 7th day of January, 2003, by depositing the same in the United States Mail, first class postage prepaid, addressed to the following:

Belinda Agnes Motil
1805 Clearbrook Lane
Virginia Beach, Virginia 23464

_ /s/ Linda Sheppard _____
Linda Sheppard