



5. That to date Gill has not responded to the Nelson v. Miller letter sent by KID on March 29, 2010, and further, he has not filed the required statement.

### **Applicable Law**

1. K.A.R. 40-246c states, in the relevant part:

“Each licensed agent shall file with the commissioner on or before March 1 of each year a statement on a form prescribed by the commissioner. . . The individual responsible for filing the statement shall be the agent who signs the policy or the agent of record with the company. . . “

2. K.S.A. 40-2,125 states, in pertinent part:

(a) If the commissioner determines after notice and opportunity for a hearing that any person has engaged or is engaging in any act or practice constituting a violation of any provision of Kansas insurance statutes or any rule and regulation or order thereunder, the commissioner may in the exercise of discretion, order any one or more of the following:

(b) If any person fails to file any report or other information with the commissioner as required by statute or fails to respond to any proper inquiry of the commissioner, the commissioner, after notice and opportunity for hearing, may impose a civil penalty of up to \$1,000, for each violation or act, along with an additional penalty of up to \$500 for each week thereafter that such report or other information is not provided to the commissioner.

### **Conclusions of Law**

Based on the Findings of Fact in Paragraphs #1 through #5 and the applicable law as stated above,

### **IT IS THEREFORE ORDERED BY THE COMMISSIONER OF INSURANCE:**

1. Robert C. Gill’s failure to file an annual statement as required constitutes a violation of K.S.A. 40-246c.

2. Pursuant to K.S.A. 40-2,125, Robert C. Gill shall pay a monetary penalty in the amount of One Hundred dollars (\$100) for the above-stated violation of K.S.A. 40-246c.

3. Commissioner shall retain jurisdiction over this matter to issue any Order(s) deemed necessary and appropriate.

**NOTICE OF RIGHTS**

Robert C. Gill is entitled to a hearing pursuant to K.S.A. 77-537, the Kansas Administrative Procedure Act. If Robert C. Gill desires a hearing, he must file a written request for a hearing with:

John W. Campbell, General Counsel  
Kansas Insurance Department  
420 S.W. 9<sup>th</sup> Street  
Topeka, Kansas 66612

This request must be filed within fifteen (15) days from the date of service of this Order. If Robert C. Gill requests a hearing, the Kansas Insurance Department will notify him of the time and place of the hearing and information on the procedures, right of representation, and other rights of parties relating to the conduct of the hearing, before commencement of the same. If a hearing is not requested in the time and manner stated above, this Summary Order shall become effective as a Final Order upon the expiration of time for requesting a hearing, pursuant to K.S.A. 77-613. In the event Robert C. Gill files a petition for judicial review, pursuant to K.S.A. 77-613(e), the agency officer to be served on behalf of the Kansas Insurance Department is:

John W. Campbell, General Counsel  
Kansas Insurance Department  
420 S.W. 9<sup>th</sup> Street  
Topeka, Kansas 66612

IT IS SO ORDERED THIS 22nd DAY OF June, 2010, IN THE CITY OF TOPEKA, COUNTY OF SHAWNEE, STATE OF KANSAS.



/s/ Sandy Praeger  
Sandy Praeger  
Commissioner of Insurance

BY:

/s/ John W. Campbell  
John W. Campbell  
General Counsel

**Certificate of Service**

The undersigned hereby certifies that above and foregoing Summary Order was served via the United States Postal Service, first-class postage prepaid, on this 22nd day of June, 2010, addressed to the following:

Robert C. Gill  
312 Front St  
Cherryvale, KS 67335

/s/ Mark A. Marion  
Mark A. Marion  
Staff Attorney