

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

In the Matter of the Kansas Nonresident)
Insurance Agent's License of) Docket No. **4385--CO**
RICHARD A. HOUSER)
NPN 9154510.)

CONSENT AGREEMENT & ORDER
(Pursuant to K.S.A. 40-4909 and K.S.A. 77-501 *et seq.*)

Pursuant to the authority granted to the Commissioner of Insurance ("Commissioner") by K.S.A. 40-103 and in accordance with K.S.A. 40-4901 *et seq.*, the Commissioner hereby accepts the stipulations of the parties regarding Respondent's Kansas nonresident insurance agent's license. This Consent Agreement shall become effective as a Final Order, without further notice when signed by the Commissioner or her designee and filed of record with the Kansas Insurance Department ("KID").

Findings of Fact

1. Records maintained by the Kansas Insurance Department ("KID") reflect that Respondent is licensed as a nonresident agent to transact the business of insurance in Kansas and has been so licensed since May 21, 2009.
2. Respondent's legal address is 6304 Cheyenne Ct., Parker, CO 80134.
3. By letter dated October 4, 2011, Washington National Insurance Company notified KID that Respondent's agent's contract was terminated for cause.
4. Attached to the letter were three letters to the company from consumers alleging that Respondent misrepresented the relative benefits of their existing policy and the policy he sold to them.
5. By letter dated November 7, 2011, and addressed to Respondent at his mailing address of record, counsel for KID requested that Respondent reply in writing if he disputed the foregoing.
6. On or about November 21, 2011, the letter was returned to KID by the postal service marked "return to sender/attempted-not known/unable to forward."
7. Subsequently, KID served a Summary Order upon Respondent based on the same allegations.

8. Respondent understands his right to have a hearing on the facts and disposition and to seek review of an adverse order in this matter.
9. Respondent denies the consumers' allegations but stipulates that KID could present relevant and admissible evidence in support of them.
10. Respondent admits that his response to KID inquiries was delayed by his failure to notify KID of a change in his business address, which he had designated as his mailing address.
11. Respondent has tendered surrender of his license and payment of an administrative penalty of \$100 in lieu of a hearing.
12. Respondent expressly waives hearing, stipulates to the foregoing facts and applicable law, and submits this agreement for the Commissioner's decision.
13. Respondent further waives administrative and judicial review.

Applicable Law

14. K.S.A. 2010 Supp. 40-4909(a) provides, in relevant part:

“The commissioner may deny, suspend, revoke or refuse renewal of any license issued under this act if the commissioner finds that the applicant or license holder has: . . .

(2) Violated: (A) Any provision of chapter 40 of the Kansas Statutes Annotated or any rule and regulation promulgated thereunder . . .

(8) Used any fraudulent, coercive, or dishonest practice, or demonstrated any incompetence, untrustworthiness or financial irresponsibility in the conduct of business in this state or elsewhere. . . .

(16) Made any misleading representation or incomplete comparison of policies to any person for the purposes of inducing or tending to induce such person to lapse, forfeit or surrender such person's insurance then in force.” K.S.A. 2010 Supp. 40-4909(a)
15. In lieu of suspending, revoking, or refusing renewal of a license as provided in K.S.A. 2010 Supp. 40-4909(a), the Commissioner may assess a monetary penalty. K.S.A. 2010 Supp. 40-4909(h).
16. K.A.R. 40-7-9(f) and (g) require a licensed agent to report a residential address change or a change in agency affiliation within 30 days of the change.

IT IS THEREFORE ORDERED BY THE COMMISSIONER OF INSURANCE THAT

1. The voluntary surrender of Kansas nonresident insurance agent's license of **RICHARD A. HOUSER** is hereby accepted and deemed to resolve all allegations now known to the Commissioner, and
2. An administrative penalty of \$100 is assessed against **RICHARD A. HOUSER** for failure to maintain a current mailing address KID's records, receipt for payment of which is hereby acknowledged.

It is further ordered, that **RICHARD A. HOUSER** shall **CEASE and DESIST** from the sale, solicitation, or negotiation of insurance, doing any act toward the sale, solicitation, or negotiation of insurance, and/or receiving compensation deriving from the sale, solicitation, or negotiation of insurance conducted in Kansas or involving Kansas risks on and after the effective date of this order.

IT IS SO ORDERED THIS 5th DAY OF JANUARY, 2012, IN THE CITY OF TOPEKA, COUNTY OF SHAWNEE, STATE OF KANSAS.



_____/s/ Sandy Praeger_____
Sandy Praeger
Commissioner of Insurance

BY:

_____/z/ Zachary J.C. Anshutz_____
Zachary J.C. Anshutz
General Counsel

NOTICE OF RIGHTS TO HEARING AND REVIEW

In the event Respondent 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

Zachary J.C. Anshutz, General Counsel
Kansas Insurance Department
420 S.W. 9th Street
Topeka, Kansas 66612

Certificate of Service

The undersigned hereby certifies that she served a true and correct copy of the above and foregoing **Consent Agreement & Order** and accompanying **Notice of Rights** on this __5th__ day of January, 2012, by causing the same to be placed in the United States Mail, first class postage prepaid, addressed to the following:

Richard A. Houser
6304 Cheyenne Ct.
Parker, CO 80134

_ /s/ Brenda J. Clary _____
Brenda J. Clary
Staff Attorney