

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

In the Matter of the Application for)
Kansas Resident Insurance Agent License)
Of **RIKKI SMITH**) Docket No. 4396-CO
NPN 16469675)

CONSENT AGREEMENT AND FINAL ORDER

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.*, and K.S.A. 77-501 *et seq.*, the Commissioner hereby accepts the stipulations of the parties, and grants, with limitations, the application of Rikki Smith (“Applicant”) for a Kansas resident insurance agent 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. Applicant is a resident of Derby, Kansas.
2. On or about December 13, 2011, Applicant submitted to KID her application for a Kansas resident insurance agent’s license.
3. Between February 2009 and March 2011, Applicant was convicted of possession or consumption of alcohol as a minor, failure to appear on three occasions, driving while suspended, and driving while revoked as a habitual violator.
4. All of the offenses occurred when Applicant was between the ages of 18 and 21, and Applicant has completed all sentences.
5. Applicant admits that she is the same person named in all of the foregoing judgments and that the judgments and underlying conduct constitute legal and sufficient grounds for denial of her application for a license.
6. For purposes of an agreed order, the Commissioner is willing to grant a license that is limited so as to require that Applicant represent not more than one employing company or group of companies, with the supervision of a single management structure, for a minimum of one year.

7. Applicant understands her right to have a hearing on the facts and disposition and to seek review of any adverse order in this matter.
8. Applicant expressly waives hearing and stipulates that the misstatement on the application for a license constitutes sufficient legal grounds for denial of the license.
9. For purposes of an agreed order, Applicant stipulates that the Commissioner has jurisdiction of her person and the subject matter of this action.
10. For purposes of an agreed order, Applicant waives administrative and judicial review, including any appeal challenging the Commissioner's authority to place limitations on her license.

Applicable Law

11. K.S.A. 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: (6) Been convicted of a misdemeanor or felony. . . . (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." K.S.A. 2010 Supp. 40-4909(a).
12. "Any action taken under this section which affects any license or imposes any administrative penalty shall be taken only after notice and an opportunity for a hearing conducted in accordance with the provisions of the Kansas administrative procedures act [K.S.A. 77-501 *et seq.*]." K.S.A. 2010 Supp. 40-4909(c). See also K.S.A. 77-512.
13. "Nothing in the Kansas administrative procedure act shall preclude parties from settling a matter at any time." K.S.A. 77-505.

Conclusions of Law

14. The Commissioner has jurisdiction over applicant as well as the subject matter of this proceeding, and such proceeding is held in the public interest.
15. The Commissioner finds that Applicant's application may be denied pursuant to K.S.A. 40-4909(a)(6) because Applicant has been convicted of multiple misdemeanors.
16. Moreover, the Commissioner finds Applicant's application may be denied because the convictions indicate Applicant has shown irresponsibility in managing her

3. The application must be supported by the following:
- a) a written statement from Licensee's employer(s) confirming that Licensee has worked regularly in the business of insurance as a licensed agent for a minimum of 12 months and has not been the subject of disciplinary action or substantiated consumer complaints, and
 - b) Licensee's sworn statement and any supporting documents required to provide true, accurate, and complete answers to questions 1 and 2 of Item 37 of the original license application as of the date of Licensee's application to lift the limitations, *provided, however*, that Licensee shall not be required to duplicate information or documents previously provided to KID as a part of the 2011 application process or subsequently pursuant to K.A.R. 40-7-9.
4. Applicant shall promptly provide a copy of this order any company she represents as an agent during the period of limitation, and Applicant shall thereafter disclose the existence of this order on any company or licensing authority application as a disciplinary action involving his license.

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:

 /s/ Zachary J.C. Anshutz
Zachary J.C. Anshutz
General Counsel

NOTICE

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 and Final 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:

Rikki Smith
Convergys Corporation
7236 E. Harry Ct.
Wichita, KS 67207

_/_s/ Brenda J. Clary_____

Brenda J. Clary
Staff Attorney