

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

FINAL ORDER

Effective: 03/03/03

In the Matter of the Kansas Resident)
Insurance Agent’s License of)
JACK H. BOUCHER) Docket No. 3124-SO

SUMMARY ORDER
(Pursuant to K.S.A. 2001 Supp. 40-4909 and K.S.A. 77-537)

Pursuant to authority granted to the Commissioner of Insurance (“Commissioner”) by K.S.A. 2001 Supp. 40-4909, as amended by L. 2002, Ch. 158, § 21, the Commissioner hereby revokes the resident agent’s license of Jack H. Boucher (“Boucher”) by way of Summary Order as provided by K.S.A. 77-537.

Findings of Fact

The Commissioner has been shown the following facts:

1. Records maintained by the Kansas Insurance Department (“KID”) indicate that Boucher is licensed as a resident agent to transact the business of insurance in the State of Kansas. KID records further indicate a legal mailing address of 9587 Outlook Drive, Overland Park, KS 66207.
2. Accordingly, the Commissioner has jurisdiction over Boucher and the subject matter of this proceeding, and such proceeding is held in the public interest.
3. Records maintained by the Kansas Insurance Department (“KID”) indicate that Boucher was issued a license, effective November 19, 2002, based on a “clean” application denying any history of misdemeanor or felony convictions and certifying that all information was true and complete.

4. Subsequently, KID received notice from Freedom Life Insurance Company of America that its background check of Boucher had revealed a number of misdemeanor and felony convictions.

5. KID obtained verification of convictions in Johnson County District Court dating from November 1994 to March 1999.

6. By letter dated December 17, 2002, KID notified Boucher of its findings and demanded an immediate reply.

7. When it had not received a reply from Boucher by January 7, 2003, KID again wrote to Boucher, this time demanding a response by January 22.

8. In an undated letter received by KID on January 24, 2003, Boucher explained that he “did not report these [convictions] on the insurance application because [he] did not have the dates at hand.”

9. Boucher further stated that he knew KID would receive this information because the application indicated that KID would request criminal history reports.

10. In fact, the application requires the applicant to grant permission to the Commissioner “to verify information with any federal, state or local government agency” but does not state that KID would obtain criminal history.

11. Boucher did not provide, as required by the application, a written statement explaining the circumstances of each incident or copies of the charging document and journal entry disposing of the charges.

Conclusions of Law

12. K.S.A. 2001 Supp. 40-4909(a), as amended by L. 2002, Ch. 158, § 21, 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 . . . (1) Provided incorrect, misleading, incomplete or untrue information in the license application . . . [or] (3) Obtained or attempted to obtain a license under this act through misrepresentation or fraud.” L. 2002, Ch. 158, § 21(a).

13. The Commissioner may revoke any license issued under the Insurance Agents Licensing Act if the Commissioner finds that the insurable interests of the public are not properly served under such license. K.S.A. 2001 Supp. 40-4909(b).

14. Based upon the information contained in paragraphs 3 through 11, the Commissioner finds that Boucher has provided incorrect, misleading, incomplete, or untrue information in his license application and obtained a license through such misrepresentation.

15. Moreover, Boucher’s license should be revoked pursuant to L. 2002, Ch. 158, § 21(a) for the protection of the insurable interests of the public.

16. Accordingly, the Commissioner finds that sufficient grounds exist for the revocation of the resident insurance agent’s license of Jack H. Boucher.

17. Based on the facts and circumstances set forth herein, it appears that the use of summary proceedings in this matter is appropriate, in accordance with the provisions set forth in K.S.A. 77-537(a), in that the use of summary proceedings 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 Jack H. Boucher.

IT IS THEREFORE ORDERED BY THE COMMISSIONER OF INSURANCE THAT the Kansas resident insurance agent's license of Jack H. Boucher is hereby **REVOKED**.

Notice and Opportunity for Hearing

Jack H. Boucher, 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 by K.S.A. 77-542. In the event a hearing is requested, such request should be directed to:

John W. Campbell
General Counsel
Kansas Insurance Department
420 S.W. 9th Street
Topeka, KS 66612

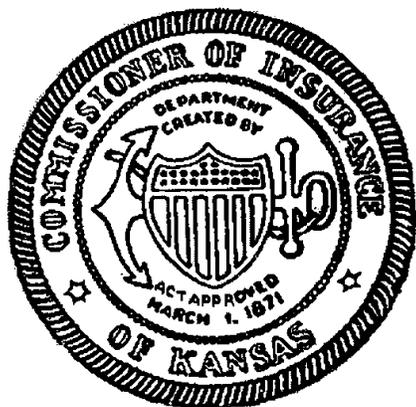
Any costs incurred as a result of conducting any administrative hearing shall be assessed against the agent who is the subject of the hearing as provided by L. 2002, Ch. 158, Sec. 21(f). Costs shall include witness fees, mileage allowances, any costs associated with the reproduction of documents which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

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-day period for requesting a hearing. Such Final Order will constitute final agency action in this matter, and the filing of a petition for reconsideration is not a prerequisite for judicial review.

The Petitioner may, within thirty (30) days of the date the order becomes final, 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: John W. Campbell, General Counsel, Kansas Insurance Department, 420 S.W. 9th Street, Topeka, Kansas 66612-1678.

IT IS SO ORDERED THIS 13th DAY OF FEBRUARY, 2003, 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 he served the above and foregoing Summary Order on this 13th day of February, 2003, by causing the same to be deposited in the United States Mail, first class postage prepaid, addressed to the following:

Jack H. Boucher
9587 Outlook Dr.
Overland Park, KS 66207

/s/ John W. Campbell
John W. Campbell