

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

FINAL ORDER

Effective: 4-15-03

In the Matter of the Kansas Resident)	
Insurance Agent's License of)	Docket No. 3136-SO
CHARLES A. MAYERNIK)	

SUMMARY ORDER

(Pursuant to K.S.A. 2002 Supp. 40-4909 and K.S.A. 77-537)

Pursuant to authority granted to the Commissioner of Insurance ("Commissioner") by K.S.A. 2002 Supp. 40-4909, the Commissioner hereby revokes the resident agent's license of Charles A. Mayernik ("Mayernik") 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 Mayernik 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 130 South Greenwich #223, Wichita, KS 67207.
2. Accordingly, the Commissioner has jurisdiction over Mayernik 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 Mayernik was issued a license, effective February 17, 2003, based on a "clean" application denying any history of misdemeanor or felony convictions or pending charges and certifying that all information was true and complete.

4. On February 26, 2003, KID received a criminal history report from the Kansas Bureau of Investigation, which revealed that Mayernik was arrested in Sedgwick County on charges of theft and forgery on August 29, 2002.

5. By letter dated February 26, 2003, KID notified Mayernik of its findings and demanded a reply by March 14, 2003, with the details of the circumstances.

6. Mayernik's response was received by KID on March 18, 2003.

7. In his response, Mayernik stated that he worked as a maintenance man for a department store. He stated that he put on a new pair of shoes while cleaning because his old shoes had rubbed blisters and that he intended to pay for the shoes the next day but was first detained by store security. He stated that the forgery charges, which were dropped, were based on two \$1,000,000 bills found on his person upon his arrest. He stated that he had purchased the bills at a gas station.

8. Enclosed with the letter were unsigned copies of a deferred judgment agreement in the Municipal Court of the City of Wichita. The agreement indicates a plea of guilty to a charge of petty theft on August 29, 2002, of items--two pairs of boxer shorts, one pair of shoes, and one leather billfold--with a value of \$133.99.

9. Mayernik did not explain why he omitted the information from his application.

10. The Commissioner finds that the Municipal Court documents provided with Mayernik's response are not authenticated either by signature or by file stamp, and the facts stated in the plea agreement differ substantially from Mayernik's account of the facts of the incident.

Conclusions of Law

11. K.S.A. 2002 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 . . . (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.” K.S.A. 2002 Supp. 40-4909(a).

12. 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. 2002 Supp. 40-4909(b).

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

14. Moreover, Mayernik’s license should be revoked pursuant to K.S.A. 2002 Supp. 40-4909(b) for the protection of the insurable interests of the public.

15. Accordingly, the Commissioner finds that sufficient grounds exist for the revocation of the resident insurance agent’s license of Charles A. Mayernik.

16. 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 Charles A. Mayernik.

IT IS THEREFORE ORDERED BY THE COMMISSIONER OF INSURANCE THAT the Kansas resident insurance agent's license of Charles A. Mayernik is hereby REVOKED.

Notice and Opportunity for Hearing

Charles A. Mayernik, 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

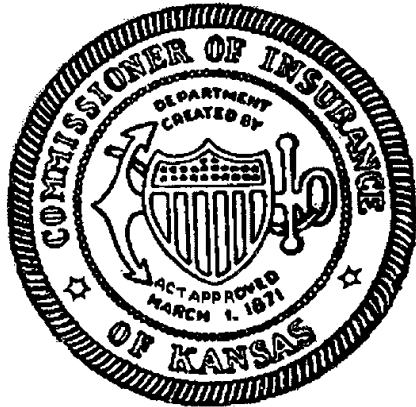
Any costs incurred as a result of conducting any administrative hearing shall be assessed against the agent who is the subject of the hearing as provided by K.S.A. 2002 Supp. 40-4909(f). Costs shall include witness fees, mileage allowances, any costs associated with the reproduction of documents which 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.

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 28th DAY OF MARCH, 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 28th day of March, 2003, by causing the same to be deposited in the United States Mail, first class postage prepaid, addressed to the following:

Charles A. Mayernik
130 South Greenwich, #223
Wichita, KS 67207

/s/ John W. Campbell
John W. Campbell