

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

FINAL ORDER

Effective: 09/22/03

In the Matter of the Kansas Resident)
Insurance Agent's License of)
RHONDA L. WILDER) Docket No. 3194-SO

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 Rhonda L. Wilder ("Wilder") by way of Summary Order as provided by K.S.A. 77-537.

Findings of Fact

1. Records maintained by the Kansas Insurance Department ("KID") indicate that Wilder was licensed as a resident agent to transact the business of insurance in the State of Kansas until the license was suspended on November 18, 2002, and then terminated on February 18, 2003, for failure to certify continuing education credit. KID records further indicate a last known legal and mailing address of 3325 Chatfield Place, Wichita, KS 67208.

2. In November 2002, the Kansas Securities Commissioner referred to the Commissioner a complaint filed on behalf of Frederick E. and Ida Mae Sutton alleging that Wilder had transferred their funds and purchased annuities in their name without their signatures or other authorization.

3. In support, the Suttons provided a chronology of events, and original documents were obtained from Fidelity & Guaranty Life Insurance Company ("F&GL") for handwriting analysis.

4. Two reputable handwriting experts have independently determined with reasonable certainty that at least some of the signatures on the documents are not those of the Suttons. One expert determined that the signatures on all fifteen of the documents submitted for examination were not signed by the person who signed the sample submitted for comparison. The other said that six of Frederick Sutton's and five of Ida Mae Sutton's purported signatures were not consistent with the samples.

5. The Suttons responded to an invitation by mail to attend a free lunch and workshop on estate planning offered by CLA-USA in Lawrence, Kansas, on June 13, 2001.

6. Later that day, a representative of CLA met with the Suttons in their home and obtained information and a signed authorization to develop a trust for them.

7. On July 6, 2001, Wilder went to the Sutton home and expressed concern about "inheritance taxes" and proposed to set up a trust to protect the Sutton's assets.

8. During the next two months, Wilder had several telephone conversations with the Suttons regarding the trust and one visit, on August 16, 2001. During that visit, she suggested annuities, and Frederick Sutton advised her that he did not want to be involved in annuities.

9. On September 5, 2001, Wilder returned with the trust and documents to sign to transfer assets to the trust. Wilder assured the Suttons that certificates of deposit and money market accounts would not be liquidated until they matured.

10. On September 19, 2001, the Sutton's stockbroker called and advised the Suttons that he had received "an account liquidation notice" from F&GL.

11. The Suttons deny that they signed the authorization to liquidate the fund for transfer to F&GL.

12. On September 21, 2001, Wilder met with the Suttons at their request. She contended that she was just transferring assets to the trust. According to the Suttons, they again stated that they did not want to liquidate the stock accounts and did not want to be involved in an annuity.

13. In November 2001, the Suttons began receiving F&GL documents, which they did not understand.

14. In early December 2001, the Suttons learned that their broker had received another form purporting to authorize liquidation of investments and that additional certificates of deposit with various banks had been liquidated contrary to their instructions and placed in annuities.

15. A total of \$593,894.80 had been transferred to four equity-indexed annuities showing one or both of the Suttons as the owner(s) and one as annuitant.

16. Each annuity named the spouse of the annuitant as the primary beneficiary and a revocable living trust as the contingent beneficiary.

17. The significant variations in the signatures on the annuity applications and financial directives are apparent to the lay observer. The variations give rise to doubts as to the authenticity documents and lend support to the Suttons' claim that they did not sign the documents independently of the expert opinions.

18. As Wilder herself served as notary for the documents that were notarized, there is no indication that anyone witnessed the purported signatures.

19. It appears that the documents were forged.

20. Even if the documents were not forged, it appears that Wilder misrepresented the purpose of the documents to the Suttons in order to obtain their signatures.

Applicable Law

21. 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 . . . (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. . . . (10) Forged another person’s name to an application for insurance or to any document related to an insurance transaction. . . .” K.S.A. 2002 Supp. 40-4909(a).

22. Suspension, lapse, failure to renew, or voluntary surrender of an agent’s license does not deprive the Commissioner of jurisdiction to proceed with a disciplinary proceeding against the license. K.S.A. 2002 Supp. 40-4909(e).

23. 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).

Conclusions of Law

24. The Commissioner has jurisdiction over Wilder as well as the subject matter of this proceeding, and such proceeding is held in the public interest.

25. The Commissioner finds that good cause exists to revoke Wilder’s insurance agent’s license pursuant to K.S.A. 2002 Supp. 40-4909(a) in that Wilder either forged the Suttons’ names to applications for insurance and to documents related to the insurance transactions, in violation of K.S.A. 2002 Supp. 40-4909(a)(10), or used a coercive or dishonest practice to secure the sale of annuities to the Suttons, in violation of K.S.A. 2002 Supp. 40-4909(a)(8).

26. The Commissioner further finds that Wilder's license does not properly serve the insurable interests of the public and should be revoked without delay pursuant to K.S.A. 2002 Supp. 40-4909(b).

27. 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 Rhonda L. Wilder.

IT IS THEREFORE ORDERED BY THE COMMISSIONER OF INSURANCE THAT the Kansas resident insurance agent's license of Rhonda L. Wilder is hereby REVOKED.

Notice and Opportunity for Hearing

Rhonda L. Wilder 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

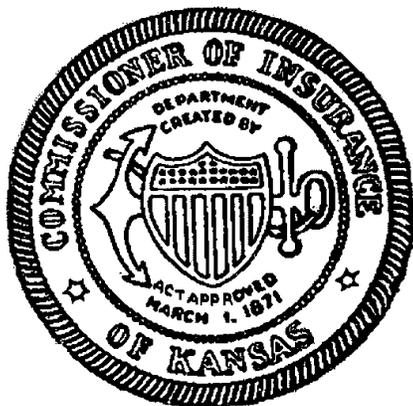
Any costs incurred as a result of conducting any administrative hearing shall be assessed against the agent who is the subject of the hearing as provided by K.S.A. 40-4909(f). Costs shall include witness fees, mileage allowances, any costs associated with the reproduction of documents which become part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

The Final Order will constitute final agency action in this matter.

In the event the Petitioner files a petition for judicial review, the agency officer designated pursuant to K.S.A. 77-613(e) to receive service of a petition for judicial review on behalf of the KID is John W. Campbell, General Counsel, Kansas Insurance Department, 420 S.W. 9th St., Topeka, KS 66612-1678.

IT IS SO ORDERED THIS 3rd DAY OF SEPTEMBER 2003, IN THE CITY OF TOPEKA, COUNTY OF SHAWNEE, STATE OF KANSAS.



/s/ Sandy Praeger
Sandy Praeger
Commissioner of Insurance
BY:

/s/ Linda Sheppard
Linda Sheppard
Assistant General Counsel

Certificate of Service

The undersigned hereby certifies that he served the above and foregoing Summary Order on this 3rd day of September, 2003, at 4:30 p.m., by hand-delivering the same to the following:

Rhonda L. Wilder
1138 South Waco
Wichita, KS

Served ___ personally
X by delivery to residence.

/s/ Ted Clark
Ted Clark
Fraud Investigator