

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

**FINAL ORDER**

Effective: 10/13/03

In the Matter of the Kansas Nonresident        )  
Insurance Agent's License of                    )  
DENNIS JOSEPH KYNE, JR.                        )        Docket No.    3224-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 nonresident agent's license of Dennis Joseph Kyne, Jr., ("Kyne") 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 Dennis Joseph Kyne, Jr., is licensed as a nonresident agent to transact the business of insurance in the State of Kansas and has been so licensed since May 28, 2002. KID records further indicate a legal and mailing address of 305 E. Empire St., San Jose, CA 95112.

2. The National Association of Insurance Commissioners ("NAIC") Regulatory Information Retrieval System ("RIRS") database reflects the following information: The State of California revoked Kyne's resident insurance agent's license, effective August 31, 2003, as a result of criminal proceedings, misstatement on application, other states' action, and felony conviction. Additionally, Kyne was denied a Wisconsin insurance agent's license on September 24, 2002, for failure to make required disclosure on the license application, and Kyne's California license was probationary during criminal proceedings in 2000.

3. To date, Kyne has reported none of these actions to the KID.

4. Kyne's Kansas application, dated May 20, 2002, disclosed prior convictions (municipal court convictions of public intoxication) but denied prior actions against a professional license.

#### **Applicable Law**

5. 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 . . . (2) Violated: (A) Any provision of chapter 40 of the Kansas Statutes Annotated, and amendments thereto, or any rule and regulation promulgated thereunder . . . (6) Been convicted of a misdemeanor or felony. (9) Had an insurance agent license, or its equivalent, denied, suspended or revoked in any other state, district or territory." K.S.A. 2002 Supp. 40-4909(a).

6. Administrative regulations require that a person licensed in this state as an insurance agent shall, within 30 days of the occurrence, report enumerated events to the Commissioner. Among these events are disciplinary action against the agent's license by the insurance regulatory official of any other state or territory. K.A.R. § 40-7-9.

7. K.S.A. 2002 Supp. 40-4906 and 40-4908 provide for issuance of a nonresident agent's license in reliance upon the agent's valid license in the agent's home state.

8. 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**

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

10. The Commissioner finds that Kyne's Kansas license may be revoked solely because Kyne has had a license revoked in another state.

11. The Commissioner also finds that Kyne's Kansas license may be revoked solely because Kyne failed to disclose the 2000 administrative action on his application for a Kansas license.

12. The Commissioner further finds that Kyne's Kansas nonresident insurance agent's license is based on reciprocity with the State of California and issued in reliance upon California licensing standards.

13. The Commissioner concludes that Kyne is no longer entitled to hold a license based on reciprocity because the California license has been revoked

14. Accordingly, the Commissioner concludes that sufficient grounds exist for the revocation of the insurance agent's license of Dennis Joseph Kyne, Jr., pursuant to K.S.A. 2002 Supp. 40-4909(a).

15. Moreover, the Commissioner finds that Kyne's insurance agent'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.

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 Dennis Joseph Kyne, Jr.

**IT IS THEREFORE ORDERED BY THE COMMISSIONER OF INSURANCE THAT the Kansas resident insurance agent's license of Dennis Joseph Kyne, Jr., is hereby REVOKED.**

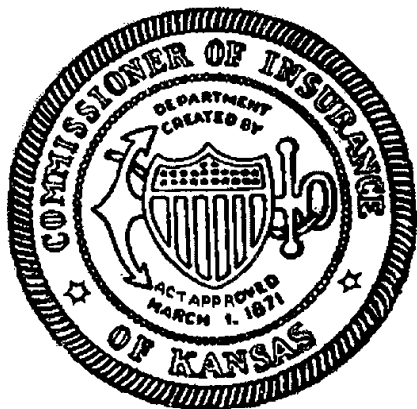
**Notice and Opportunity for Hearing**

Dennis Joseph Kyne, Jr., 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. 9<sup>th</sup> 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.

**IT IS SO ORDERED THIS 24<sup>th</sup> DAY OF SEPTEMBER 2003, IN THE CITY OF TOPEKA, COUNTY OF SHAWNEE, STATE OF KANSAS.**



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

John W. Campbell  
John W. Campbell  
General Counsel

**NOTICE:** 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. 9<sup>th</sup> St., Topeka, KS 66612-1678.

**Certificate of Service**

The undersigned hereby certifies that she served a true and correct copy of the above and foregoing Summary Order on this 24<sup>th</sup> day of September 2003, by causing the same to be deposited in the United States Mail, first class postage prepaid, addressed to the following:

Dennis Joseph Kyne, Jr.  
305 E. Empire St.  
San Jose, CA 95112

/s/ Brenda J. Clary  
Brenda J. Clary