

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

In the Matter of the Kansas Non-Resident)	
Insurance Agent's License of)	Docket No. 82015
ROBERT R. WHITING)	
NPN: # 14981442)	

SUMMARY ORDER

(Pursuant to K.S.A. 40-4909, K.S.A. 77-501, *et seq.*)

Pursuant to the authority granted to the Commissioner of Insurance ("Commissioner") by K.S.A. 40-4909, the Commissioner hereby revokes the insurance agent's license of Respondent, **ROBERT R. WHITING** ("Respondent"). This Summary Order shall become effective as a Final Order, without further notice, upon the expiration of the fifteen (15) day period if no request for hearing is made, pursuant to K.S.A. 77-542.

Findings of Fact

The Commissioner finds the following facts:

1. Respondent was licensed as a Kansas non-resident insurance agent on July 6, 2018, and remains licensed to date.
2. Respondent's legal (residential) address of record is [REDACTED], Rochester, NY [REDACTED].
3. On September 6, 2019, the Respondent's was terminated from Paychex Insurance Agency, Inc. ("Paychex").
4. On September 18, 2019, the Kansas Insurance Department ("Department") received a notice of termination for cause for Respondent from Paychex.
5. Paychex advised they found the following:
 - a. Respondent advised two individuals that information on the enrollment form could be altered to allow for the individuals who were requesting coverage to be enrolled in the company's group health insurance plan outside the policy eligibility requirements.
6. On January 23, 2020, the Department sent a letter to Respondent requesting a written explanation of the reason for his termination from Paychex.
7. Respondent's insurance agent license in his home state of New York expired on October 9, 2019.
8. Respondent, to this date, has not responded to the Department's request for an explanation.

Applicable Law

- Pursuant to K.S.A. 40-4906(a), "Unless denied licensure pursuant to K.S.A. 40-4909, and amendments thereto, a nonresident person shall receive a nonresident agent license if:
 - (1) Such person is currently licensed as a resident and in good standing in such person's home state."

- Pursuant to K.S.A. 40-4909(a), “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;
 - (C) any insurance law or regulation of another state;
 - (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.”
- Pursuant to K.S.A. 40-4909(b), “In addition, the commissioner may suspend, revoke or refuse renewal of any license issued under this act if the commissioner finds that the interests of the insurer or the insurable interests of the public are not properly served under such license.”

Policy Reasons

1. It is in the public interest that the license of an agent who has violated any insurance law or regulation of this or another state be revoked.
2. It is in the public interest that the license of an agent who has used fraudulent, coercive, or dishonest practice, or demonstrated any incompetence, untrustworthiness or financial irresponsibility in the conduct of business in this state or elsewhere be revoked.
3. It is in the public interest that the license of a nonresident agent who does not have a license in good standing in their home state be revoked.

Conclusions of Law

1. The Commissioner has jurisdiction over **ROBERT R. WHITING** as well as the subject matter of this proceeding, and such proceeding is held in the public interest.
2. The Commissioner finds that Respondent’s Kansas license may be revoked because **ROBERT R. WHITING** violated insurance laws in New York.
3. The Commissioner finds that Respondent’s Kansas license may be revoked because **ROBERT R. WHITING** used fraudulent, coercive, or dishonest practice, or demonstrated incompetence, untrustworthiness or financial irresponsibility in the conduct of business in this state or elsewhere.
4. The Commissioner finds that Respondent’s Kansas license may be revoked because **ROBERT R. WHITING** does not have a license in good standing in his home state of New York.
5. The Commissioner finds, pursuant to K.S.A. 40-4909(b), that the interests of the public are not properly served under Respondent’s license.

6. Accordingly, the Commissioner concludes that sufficient grounds exist for the revocation of the insurance agent's license of **ROBERT R. WHITING**, pursuant to K.S.A. 40-4909(a) and (b).

IT IS THEREFORE ORDERED BY THE COMMISSIONER OF INSURANCE THAT:

1. The Kansas nonresident Insurance Agent's License of **ROBERT R. WHITING** is hereby **REVOKED** the effective date of this Order.
2. **IT IS FURTHER ORDERED** that **ROBERT R. WHITING** shall **CEASE** and **DESIST** from the sale, solicitation or negotiation of insurance and/or receiving compensation deriving from the sale, solicitation or negotiation of insurance conducted after the effective date of this Order.

IT IS SO ORDERED THIS 18th DAY OF MAY, 2020, IN THE CITY OF TOPEKA, COUNTY OF SHAWNEE, STATE OF KANSAS.



Vicki Schmidt
Commissioner of Insurance

BY:

/s/ Justin L. McFarland
Justin L. McFarland
General Counsel

NOTICE AND OPPORTUNITY FOR HEARING

ROBERT R. WHITING, within fifteen (15) days of service of this Summary Order, may file with the Kansas Insurance Department a written request for 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:

Justin L. McFarland, General Counsel
Kansas Insurance Department
1300 SW Arrowhead Road
Topeka, Kansas 66604

Any costs incurred as a result of conducting any administrative hearing shall be assessed against the agent/agency 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 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 (15) day period for requesting a hearing. The Final Order will constitute final agency action in the matter.

In the event the Respondent 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 Kansas Insurance Department is:

Justin L. McFarland, General Counsel
Kansas Insurance Department
1300 SW Arrowhead Road
Topeka, Kansas 66604

CERTIFICATE OF SERVICE

The undersigned hereby certifies that she served the above and foregoing Summary Order on this 18th day of May, 2020, by causing the same to be deposited in the United States Mail, first class postage prepaid, addressed to the following:

Robert R. Whiting

[REDACTED]
Rochester, NY [REDACTED]



Toni Garrard
Senior Administrative Specialist