

**In the Matter of the Application for a
Kansas Nonresident Insurance Producer's
License of TARYN CROUSE
NPN # 20145830**

PROPOSED DEFAULT ORDER
(Pursuant to K.S.A. 40-4909 and K.S.A. 77-501 *et seq.*)

Findings of Fact

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6. The Prehearing Conference took place by conference call as scheduled on April 21, 2022, at 1:00 p.m. During the Prehearing Conference the Applicant again acknowledged her obligation to pay the hearing fee, agreeing that the proposed hearing date of June 16 “is fine for me too, because I know I have to have the \$500 [paid], but I don’t know when I’m supposed to pay that . . . before the hearing.” The Presiding Officer advised the Applicant she would need to pay the \$500 fee no later than one week prior to the hearing, on June 9, 2022, and the Presiding Officer’s assistant would advise how the Applicant could make the payment to the Department.

7. The Prehearing Order was sent on April 21, 2022, scheduling the formal hearing to be held by video conference for June 16, 2022. It stated the \$500 hearing fee was due no later than June 9, 2022.

8. The Applicant requested via email on June 1, 2022, for a continuance. She indicated she no longer needed a license in Kansas but wanted the denial/administrative action removed from her record.

9. The Department’s Counsel emailed the Applicant on June 2, 2022 and discussed with the Applicant her option of entering into a Stipulated Order, in which she would agree to withdraw her hearing request and acknowledge the denial would become a final order.

10. The Applicant turned down the offer of a Stipulated Order, and instead indicated she simply wanted to have more time before the Hearing.

11. On June 6, 2022, a Notice of Hearing Reschedule was sent to the Applicant rescheduling the Hearing for August 18, 2022, at 2:00 p.m. Central Time, via Teams Video Conference. The Notice advised the \$500 hearing fee would be due no later than August 11, 2022.

12. The Applicant’s hearing fee was not paid by August 11, 2022. A phone call was made to the Applicant at the number she had provided the Department, but it was a wrong number.

An email was sent on August 15, 2022, requesting payment by phone that day. No reply email was received.

13. On August 16, 2022, the Presiding Officer issued a Notice of Cancellation after Applicant failed to submit the \$500 hearing fee to the Department.

14. To this date, Applicant has not communicated with the Department or submitted the \$500 hearing fee.

Applicable Law

15. Before approving an application for a license, the Commissioner must determine the applicant has not committed any act that is grounds for denial pursuant to K.S.A. 40-4909. See K.S.A. 40-4905(b).

16. Pursuant to K.S.A. 40-4909(a)(6), the Commissioner may deny a license if the Applicant has been convicted of a misdemeanor or felony.

17. Pursuant to K.S.A. 40-4909(b), the Commissioner may deny a license if the interests of the insurer or the insurable interests of the public are not properly served under the license.

18. Pursuant to K.S.A. 40-4909(d), “Any action taken under this action taken under this section that affects any license or imposes any administrative penalty shall be taken only after notice and an opportunity for a hearing conducted in accordance with the provisions of the Kansas administrative procedures act.”

19. Pursuant to K.S.A. 77-520(a), “If a party fails to attend or participate in a prehearing conference, hearing or other stage of an adjudicative proceeding, the presiding officer may serve upon all parties written notice of a proposed default order, including a statement of the grounds.”

20. Pursuant to K.S.A. 77-520(b), Applicant may file a written motion requesting this proposed default order be vacated stating the grounds relied on within seven (7) days after the service of this proposed default order.

21. Pursuant to K.S.A. 77-520(c), “The proposed default order shall become effective after expiration of the time within which the party may file a written motion under subsection (b) unless a written motion to vacate the order is filed with the agency within such time.”

22. Pursuant to K.S.A. 77-520(e), “If the presiding officer is the agency head, or has been designated under K.S.A. 77-514, and amendments thereto, to issue a final order, the order shall be deemed a final order.”

Conclusions of Law

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

24. The Assistant Commissioner of Insurance is acting on behalf of the Commissioner of Insurance as the agency head and is empowered to act as the Presiding Officer and issue a Final Order. See K.S.A. 77-547 and K.S.A. 77-514.

25. The Commissioner of Insurance is authorized to assess investigative and hearing costs against Applicants who request a hearing to appeal denials of licensing application by the Department.

26. The refusal to pay a required cost prior to a scheduled hearing, thus causing a cancellation of the hearing and preventing the rescheduling of another hearing, is equivalent to failing to participate in a required stage of an adjudicative proceeding under K.S.A. 77-520. Failure to respond to calls and emails from the Department regarding the hearing process also constitutes failing to participate in a required stage of an adjudicative hearing.

27. The Commissioner finds that Applicant has failed to participate in required stage of an adjudicative proceeding, or to communicate with the Department about the proceedings, and a Proposed Default Order is appropriate and should be served in accordance with K.S.A. 77-520.


IT IS THEREFORE ORDERED THAT THE APPLICANT MUST SUBMIT A WRITTEN REQUEST TO VACATE THIS PROPOSED DEFAULT ORDER WITHIN SEVEN (7) DAYS OF THE DATE OF THIS ORDER. If a written request to vacate is not timely received, the Applicant's proceeding will be DISMISSED.

IT IS FURTHER ORDERED THAT Applicant's failure to file a timely written motion to vacate **WILL RESULT IN THIS ORDER BECOMING EFFECTIVE AS A FINAL ORDER** and Applicant's application for a Kansas nonresident insurance producer's license will be **DENIED.**

IT IS SO ORDERED THIS 1th DAY OF SEPTEMBER 2022, IN THE CITY OF TOPEKA, COUNTY OF SHAWNEE, STATE OF KANSAS.



VICKI SCHMIDT
COMMISSIONER OF INSURANCE

BY: 
Barbara W. Rankin
Assistant Commissioner
Presiding Officer

NOTICE OF RIGHT TO FILE A MOTION TO VACATE

Pursuant to K.S.A. 77-520(b), Applicant is entitled file a Motion to Vacate. A Motion to Vacate must be filed within seven (7) days of service of this Proposed Default Order (plus three [3] days for service by mail pursuant to K.S.A. 77-531).

In the event Applicant files a Motion to Vacate pursuant to K.S.A 77-520(b), the Agency Officer to be served on behalf of the Kansas Insurance Department is:

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

NOTICE OF RIGHT TO JUDICIAL REVIEW

Pursuant to K.S.A. 77-601 through K.S.A. 77-631, Applicant is entitled to judicial review, if this Proposed Default Order becomes a Final Order. The petition for judicial review must be filed within thirty (30) days of service of the date the Proposed Default Order becomes a Final Order (plus three [3] days for service by mail pursuant to K.S.A. 77-531). In the event Applicant files a petition for judicial review pursuant to K.S.A. 77-613(e), the Agency Officer to be served on behalf of the Kansas Insurance Department is:

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

CERTIFICATE OF SERVICE

The undersigned hereby certifies that she served a true and correct copy of the above and foregoing PROPOSED DEFAULT ORDER on this 8th day of September 2022, by causing the same to be electronically mailed and placed in the United States Mail, certified mail, return receipt requested and first class postage prepaid addressed to the following:

Taryn E. Crouse



Applicant

And hand-delivered to the following:

Kimberley Davenport Megrail
Senior Attorney
Kansas Insurance Department
1300 SW Arrowhead Road
Topeka, KS 66604
Counsel for the Kansas Insurance Department


Kathy Letch
Public Service Administrator