

**Final
May 31, 1999**

Docket No. 2378-SO

3. On March 4, 1999, KID received Haynes' application for license, certifying such application by signing it before a notary public, and swearing that all answers thereon were true and correct. He answered "No" to the questions, "Have you

ever been convicted of or pled nolo contendere (no contest) to any misdemeanor or felony or currently have pending misdemeanor or felony charges filed against you?”

4. Based on the information contained in Haynes’ application, he was granted a resident license to transact the business of insurance on March 4, 1999.

5. Information received by KID, subsequent to Haynes receiving his license, from the Kansas Bureau of Investigation (“KBI”) reveals that on or about January 30, 1997, Haynes was convicted of criminal use of a financial card, a nonperson felony, in Ottawa Municipal Court.

6. On or about March 23, 1999, LeRoy Brungardt (“Brungardt”), Director of the Agents and Brokers Division, sent a letter to Haynes requesting him to furnish KID with further details and circumstances surrounding the conviction listed in paragraph 5 above. Haynes did not respond.

7. On or about April 13, 1999, Brungardt sent another letter to Haynes requesting him to furnish KID with further details and circumstances surrounding the conviction listed in paragraph 5 above. Haynes did not respond.

Conclusions of Law

8. K.S.A. 1998 Supp. 40-242 provides in relevant part:

(a) The commissioner of insurance may impose a penalty prescribed by subsection (e) or revoke or suspend the license of any broker or agent in the event that investigation by the commissioner discloses that:

(1) Such license was obtained by fraud or misrepresentations;...

(7) the interests of the insurer or the insurable interests of the public are not properly served under such license.

9. Based upon the allegations contained in paragraphs 3 through 7 above, it appears that Haynes has violated K.S.A. 1998 Supp. 40-242(a)(1) and (7).

10. Accordingly, sufficient grounds exist for the revocation of the insurance agent's license of Richard J. Haynes, pursuant to K.S.A. 1998 Supp. 40-242.

11. Based on the facts and circumstances set forth hereinabove, it appears that the use of summary proceedings in the manner set forth herein does not violate any provision of the law, and the protection of the public interest does not require KID to give notice and opportunity to participate to persons other than Richard J. Haynes, all in accordance with the provisions set forth in K.S.A. 77-537(a).

IT IS THEREFORE ORDERED BY THE COMMISSIONER OF INSURANCE THAT:

1. The Kansas resident insurance agent license of Richard J. Haynes is hereby revoked.

Notice and Opportunity for Hearing

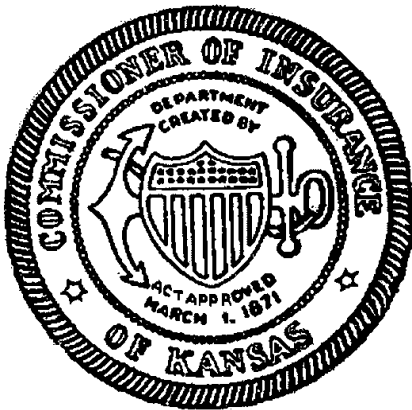
Richard J. Haynes, within fifteen (15) days of service of this Summary Order, may file with the Department a written request for a hearing on this Summary Order, as provided for by K.S.A. 77-542. In the event a hearing is requested, such request should be directed to:

Kathy Greenlee
General Counsel
Kansas Insurance Department
420 S.W. 9th Street
Topeka, Kansas 66612

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.

Any costs incurred as a result of conducting any administrative hearing authorized under the provisions of K.S.A. 1998 Supp. 40-242 shall be assessed against the Agent who is the subject of the hearing, as provided for under K.S.A. 1998 Supp. 40-242(c). Costs shall include witness fees, mileage allowances, any costs associated with the reproduction of documents which become a part of the hearing record and the expense of making a record of the hearing.

IT IS SO ORDERED THIS ___11th___ DAY OF MAY, 1999 IN THE CITY OF TOPEKA, COUNTY OF SHAWNEE, STATE OF KANSAS.



_____/s/ Kathleen Sebelius_____
Kathleen Sebelius
Commissioner of Insurance
BY:

_____/s/ Kathy J. Greenlee_____
Kathy J. Greenlee
General Counsel

Certificate of Service

The undersigned hereby certifies that the above and foregoing Summary Order was served this ____11th____ day of May 1999, by depositing the same in the United States Mail, first class postage prepaid, addressed to the following:

Richard J. Haynes
1531 College, Apartment 4
Topeka, Kansas 66604

___/s/ Kathy J. Greenlee_____
Kathy J. Greenlee