

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

In the Matter of the Kansas
Resident Agent's License
of DANIEL J. HUGHES

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Docket No. 2725-RA

CONSENT ORDER

Daniel J. Hughes ("Hughes") wishes to resolve this matter without formal adjudicative proceedings by entering into this consent order. The Commissioner of Insurance ("Commissioner") hereby makes the following findings of fact, conclusions of law, and order, to-wit:

Findings of Fact

1. Records maintained by the Kansas Insurance Department ("KID") indicate that Hughes is a resident of the State of Kansas, and has a current mailing address of 7631 Lowell Avenue, Overland Park, Kansas 66204, and that he is licensed to transact the business of insurance as a resident insurance agent in the State of Kansas.

2. The Commissioner has jurisdiction over the subject matter of this proceeding and this proceeding is held in the public interest.

3. On October 13, 1998, Hughes was found guilty of a fraudulent insurance act, in Johnson County District Court, Case No. 98-CR-1440. He was sentenced to jail for a period of thirty (30) days with the sentence suspended. Hughes agreed as part of the disposition to voluntarily surrender his insurance license to the Kansas Insurance Department.

Conclusions of Law

4. K.S.A. 1997 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:...

(6) the holder of such license has been convicted of a misdemeanor or felony involving fraud, deceit, dishonesty, intent to deprive or intent to defraud; or

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

5. Based upon the information contained in paragraph 3 above, it appears that Daniel J. Hughes has been convicted of a misdemeanor involving fraud, deceit, dishonesty, intent to deprive or intent to defraud, in violation of K.S.A. 1997 Supp. 40-242(6).

6. Based upon the information contained in paragraph 3 above, it appears that Daniel J. Hughes has engaged in acts and practices in the business of insurance that are contrary to the interests of the insurer or the insurable interests of the public, and that such interests are not properly being served under the continued licensure of Daniel J. Hughes, in violation of K.S.A. 1997 Supp. 40-242(7).

7. Based upon the information contained in paragraph 3 above, it appears that sufficient evidence exists for the revocation of Daniel J. Hughes's insurance agent license pursuant to K.S.A. 1997 Supp. 40-242, in accordance with the procedures set forth in the Kansas Administrative Procedure Act, K.S.A. 77-501, et seq., as amended.

8. Daniel J. Hughes admits to the allegations set forth herein this order as described above.

9. For the purposes of this Consent Order, Daniel J. Hughes waives his right to a formal adjudicative proceeding and notice thereof and, upon the advice and assistance of counsel, voluntarily consents to the following order of the Commissioner of Insurance.

IT IS THEREFORE ORDERED BY THE COMMISSIONER OF INSURANCE THAT:

1. The Kansas resident insurance agent's license of Daniel J. Hughes is hereby revoked and shall be surrendered to the Department forthwith, the receipt of which is hereby acknowledged.

IT IS SO ORDERED THIS 18th DAY OF MAY 1999 IN THE CITY OF TOPEKA, COUNTY OF SHAWNEE, STATE OF KANSAS.



/S/
Kathleen Sebelius
Commissioner of Insurance

BY:

Robert L. Kennedy, Jr.
Assistant Commissioner

/S/
Daniel J. Hughes

APPROVED BY:

/S/
Darrell Smith
Attorney for Respondent

SUBMITTED AND APPROVED BY:

/S/
JaLynn Copp
Attorney for Petitioner
Kansas Insurance Department