

DEPARTMENT OF INSURANCE

STATE OF WYOMING

WYOMING INSURANCE DEPARTMENT,)
)
 Petitioner,)
)
 vs.)
 W&R Insurance Agency, Inc.)
 6300 Lamar Avenue)
 Shawnee Mission, Kansas 66202,)
)
 Respondent.)

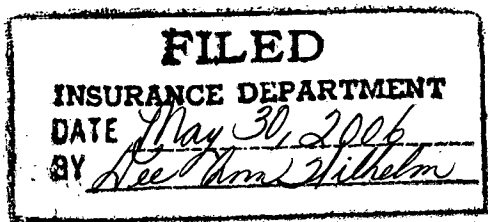
Docket 06-09

PETITION FOR NOTICE AND ORDER TO SHOW CAUSE

COMES NOW the Wyoming Insurance Department, acting by and through James S. Mitchell, Staff Attorney, and pursuant to Wyo. Stat. §§ 26-1-103, 26-2-109, 26-2-111, and Chapter 32, § 4 of Wyoming Insurance Department Regulations, "Rules for Practice and Procedure Before the Department," and the Wyoming Administrative Procedure Act, Wyo. Stat. § 16-3-101, *et seq.*, herewith moves the Wyoming Insurance Commissioner for the issuance of a Notice and Order to Show Cause directed to W&R Insurance Agency, Inc., 6300 Lamar Avenue, Shawnee Mission, Kansas 66202. As cause for this Petition the Wyoming Insurance Department states and alleges as follows:

Matters Common to all Counts.

1. The Wyoming Insurance Commissioner has jurisdiction over this matter pursuant to Wyo. Stat. §§ 26-1-103, 26-1-108, and 26-9-211.
2. The Respondent W&R Insurance Agency, Inc. was issued a Non-Resident Producer License and authorized to transact the business of insurance in the state of Wyoming on July 29, 2005.
3. On April 11, 2006, Respondent filed with the Petitioner a Uniform Application for Business Entity Insurance License for a branch office located in Anchorage, Alaska. As required by Section 30 of said application the Respondent, through its Vice President/Assistant Secretary Margie Webber, certified under penalty of perjury that all information contained in the submitted application and attachments was true and complete.
4. In response to Question 2 regarding administrative actions against the business entity, owner partners, officers or directors, the Respondent enclosed a "Producer Overview"



listing of regulatory actions filed against Respondent for the period of July 28, 2005, through the date of the current application.

5. Wyoming Statute § 26-9-21(a) requires that a nonresident insurance producer report to the commissioner any administrative action taken against the producer in another jurisdiction within thirty (30) days of the final disposition of the matter.

COUNT I

6. Respondent failed to timely report a Complaint Investigation for unfair insurance practices act violation in the state of Arizona initiated on October 24, 2005, and disposed of on January 20, 2006 by a Consent Order including a penalty or fine, as required by Wyo. Stat. § 26-9-216(a).

COUNT II

7. Respondent failed to timely report a Marketing and Sales Action in the state of Delaware initiated on August 8, 2005, and disposed of on September 1, 2005, by a Consent Order including a penalty or fine, as required by Wyo. Stat. § 26-9-216(a).

COUNT III

8. Respondent failed to timely report a Multi-State Investigation involving marketing and sales replacement of variable annuities initiated October 7, 2005, in the state of Georgia and disposed of on October 18, 2005, by a Consent Order, as required by Wyo. Stat. § 26-9-216(a).

COUNT IV

9. Respondent failed to timely report a Market Conduct Examination for Unfair Insurance Practices Act Violation in the state of Louisiana initiated on July 28, 2005, and disposed of on February 6, 2006, by a Consent Order including a penalty or fine, as required by Wyo. Stat. § 26-9-216(a).

COUNT V


10. Respondent failed to timely report Multi-State Investigation Actions disposed of in the states of South Carolina on October 3, 2005, and South Dakota on October 5, 2005, by Consent Orders including a penalty or fine, as required by Wyo. Stat. § 26-9-216(a).

WHEREFORE, the Wyoming Insurance Department respectfully prays the Wyoming Insurance Commissioner to:

A. Impose a civil penalty of \$2,500 for each violation of the Wyoming Insurance Code.

B. Enter such other and further relief as may be permitted by law.

Dated this 30th day of May, 2006.



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