



BEFORE THE IOWA INSURANCE COMMISSIONER

IN THE MATTER OF)	SUMMARY SUSPENSION OF
)	INSURANCE PRODUCER
DION L. MANUEL)	LICENSE
NPN 17042464,)	
Respondent)	Division Case No. 86926

This matter comes before Commissioner of Insurance Nick Gerhart. After being fully informed of the matter, the Commissioner issues the following findings of fact, conclusions of law and summary suspension:

PARTIES AND JURISDICTION

1. The Commissioner of Insurance, Nick Gerhart, administers and enforces the Iowa Licensing of Insurance Producers Act – Iowa Code Chapter 522B and the Iowa Administrative Code 191 – Chapter 13 pursuant to Iowa Code § 505.8. Commissioner Gerhart has designated the Iowa Insurance Division (“Division”) to seek enforcement of these provisions.
2. Dion L. Manuel, (“Manuel”), is an individual with a last-known mailing address of 1727 NW 99th St., Clive, IA 50325.
3. Manuel is and has been licensed in the state of Iowa as a resident insurance producer since August 22, 2013.
4. From on or about December 1, 2013 to the present date, Manuel has engaged in acts and practices within the state of Iowa constituting cause for suspension or revocation of his insurance producer license, cease and desist orders and civil penalties or other relief under Iowa Code §§ 522B.11, 522B.16B, 522B.17, Iowa Administrative Code 191 - Chapter 13 and rules adopted pursuant to Iowa Code Chapters 522B.

FINDINGS OF FACT

5. On April 8, 2004 Manuel entered an Alford Plea and was adjudged guilty of Financial Exploitation of a Dependent Adult in violation of Iowa Code §§ 235B.2 and 235B.20, a class D felony.

6. Manuel applied for a resident insurance producer license with the Division by submitting through the National Insurance Producer Registry a Uniform Application for Individual Insurance Producer (“Application”) on July 30, 2013. In submitting the Application, Manuel designated the Commissioner as an agent for service of process.

7. On August 20, 2013 the Commissioner granted Manuel consent by order to engage or participate in the business of insurance pursuant to Iowa Code § 522B.16B and Iowa Administrative Code Chapter 13 (“2013 Consent”); however the 2013 Consent was conditioned on the following:

This consent is conditioned upon the Applicant’s continued work for this Employer as a licensed insurance producer under the terms outlined in the attached Supervisory Agreement. If the Applicant changes employers, the Applicant and the Employer have an affirmative duty to notify the Division, as stated in the attached Supervisory Agreement.

A copy of the 2013 Consent is attached hereto as Exhibit A and incorporated herein by reference. The “Employer” under the terms of the 2013 Consent was James Moland on behalf of the Eric Cochran Agency.

8. The Division issued Manuel a license as an insurance producer on August 22, 2013 and assigned national producer license number 17042464.

9. Manuel left Eric Cochran Agency’s employment in November 2013, but failed to notify the Division.

CONCLUSIONS OF LAW

COUNT I
FAILURE TO COMPLY WITH TERMS OF COMMISSIONER'S 2013
CONSENT

10. Manuel's 2004 conviction is a criminal felony involving dishonesty or breach of trust under 18 U.S.C. § 1033 (e)(1)(A) and Iowa Administrative Code 191 – Chapter 13.

11. Manuel is required to obtain and abide by the consent of the Commissioner to be licensed as an insurance producer under 18 U.S.C. § 1033 (e)(2), Iowa Code § 522B.16B and Iowa Administrative Code 191 – Chapter 13.

12. The failure by Manuel to notify the Division that he left the employment of Eric Cochran Agency's is a failure to comply with the terms of the 2013 Consent 191 IAC 13.7, and is therefore a forfeiture of the 2013 Consent provided under Iowa Code § 522B.16B.

13. Pursuant to 191 IAC 13.8(3) and (4), the 2013 Consent should be immediately terminated and Manuel's insurance producer license summarily suspended.

ORDER

IT IS THEREFORE ORDERED that pursuant to Iowa Code § 522B16B and 191 IAC 13.8(3) and (4), Manuel's consent to engage or participate in the business of insurance is IMMEDIATELY TERMINATED.

IT IS FURTHER ORDERED that Manuel's insurance producer license is summarily suspended pending further proceedings to determine whether Manuel should be further disciplined, and Manuel shall immediately cease and desist from participating in the business of insurance in Iowa.

This Order shall be served upon the Respondent.

SO ORDERED on this 2nd day of July 2015.

Nick Gerhart (F.O.)
NICK GERHART
Commissioner of Insurance

NOTICE OF PENALTIES FOR WILLFUL VIOLATION OF THIS ORDER

YOU ARE NOTIFIED that any person who violates this order may be subject to administrative and civil penalties pursuant to Iowa Code section 522B.17(3). The commissioner may petition the district court to hold a hearing to enforce the order as certified by the commissioner. The district court may assess a civil penalty against the person in an amount not less than three thousand dollars but not greater than ten thousand dollars for each violation, and may issue further orders as it deems appropriate.

YOU ARE NOTIFIED that a person who willfully violates this order pursuant to Iowa Code section 507A.10(3) is guilty of a Class 'D' felony.

NOTICE REGARDING IMPACT OF ORDER ON EXISTING LICENSES

A final order of license suspension or revocation, or a cease and desist order may adversely affect other existing business or professional licenses and result in license revocation or disciplinary action. For example, a final cease and desist order issued to a licensed insurance agent may subject the insurance agent to insurance license revocation or other disciplinary action. Further notice is given that the Iowa Insurance Division may review this order for a potential license revocation or disciplinary action.