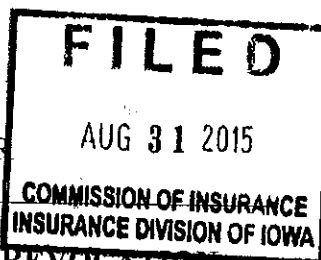


BEFORE THE IOWA INSURANCE COMMISSIONER



IN THE MATTER OF)	FINAL ORDER FOR REVOCATION
)	OF INSURANCE PRODUCER
DION L. MANUEL)	LICENSE
NPN 17042464,)	
Respondent)	Division Case No. 86926

This matter came before Commissioner of Insurance Nick Gerhart on August 28, 2015 at 11:00 a.m. The Division appeared by Compliance Attorney Dustin DeGroot. The respondent, Dion L. Manuel, did not file an answer to the statement of charges and did not appear to defend the statement of charges or the summary suspension on insurance producer license. After being fully informed of the matter, the Commissioner issues the following findings of fact, conclusions of law, and order for revocation with civil penalties:

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 1107 Prairie View Drive, West Des Moines, IA 50266.
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.
10. On July 2, 2015, the Division filed a statement of charges and notice of hearing against Manuel.
11. On July 2, 2015, the Commissioner issued a summary suspension of insurance producer license against Manuel.
12. Copies of the statement of charges, notice of hearing, and summary suspension of insurance producer license were served upon the Commissioner as Manuel's agent for service of process. A hearing was scheduled to commence on August 28, 2015 at 11:00 a.m. Copies were sent by first class mail, and also by certified mail, return receipt requested to Manuel at 1727 NW 99th St., Clive, IA 50325.
13. Both mailings were returned by the U.S. Postal Service and marked as "Forward Time Expired" and "Return to Sender." The returned mailings were also marked with a last known address of 1107 Prairie View Dr., West Des Moines, IA 50266, which was confirmed by a CLEAR Report ordered by the Division.
14. On July 23, 2015, the Division mailed courtesy copies of the statement of charges, notice of hearing, and summary suspension of insurance producer license to Manuel at 1107 Prairie View Drive, West Des Moines, IA 50266. The Division also gave Manuel an extension of time to file an answer to the statement of charges, until August 6, 2015. A copy of the correspondence is attached hereto as Exhibit B, and incorporated herein, by reference.
15. The correspondence, statement of charges, notice of hearing, and summary suspension of insurance producer license were delivered and signed for on July 25, 2015. A copy of the delivery signature is attached hereto as Exhibit C, and incorporated herein, by reference.

16. Manuel failed to file an answer to the statement of charges, and failed to contact the division about this matter.

17. Manuel failed to appear at the hearing on August 28, 2015 at 11:00 a.m. The Division moved for default based upon Manuel's failure to answer or appear at the hearing. The motion is sustained by the Commissioner.

CONCLUSIONS OF LAW

COUNT I

FAILURE TO COMPLY WITH TERMS OF COMMISSIONER'S 2013 CONSENT

18. 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.

19. Manuel was 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.

20. The failure by Manuel to notify the Division that he left the employment of Eric Cochran Agency was a failure to comply with the terms of the 2013 Consent, 191 IAC 13.7, and was therefore a forfeiture of the 2013 Consent provided under Iowa Code § 522B.16B, which was terminated by the summary suspension of insurance producer license order on July 2, 2015.

21. Pursuant to 191 IAC 13.8(3) and (4), the 2013 Consent that was terminated by the summary suspension of insurance producer license order on July 2, 2015 shall remain in effect and Manuel's insurance producer license should be revoked.

22. The violations of Iowa Code Chapter 522B and applicable rules are grounds for the revocation, suspension, censure, and imposition of a civil penalty and order requiring Manuel to cease and desist from engaging in the business of insurance.

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 REVOKED. Further, Manuel is prohibited from engaging in the business of insurance without obtaining the consent of the Commissioner pursuant to 18 U.S.C. § 1033 (e)(2), Iowa Code § 522B.16B and Iowa Administrative Code 191 – Chapter 13.

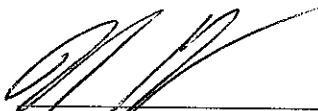
IT IS FURTHER ORDERED that Manuel's insurance producer license is REVOKED, and Manuel shall immediately cease and desist from participating in the business of insurance in Iowa.

IT IS FURTHER ORDERED that Manuel shall pay a civil penalty in the amount of \$1,000 as authorized by Iowa Code § 507B.7(1)(a).

IT IS FURTHER ORDERED that this order shall not in any way limit the Division to institute administrative or legal action against Manuel for any past or future conduct in violation of Iowa laws and regulations.

This Order shall be served upon the Respondent.

SO ORDERED on this 28 day of August 2015.



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.



**BEFORE THE INSURANCE COMMISSIONER
IOWA INSURANCE DIVISION**

**In Consideration of the Application of
Dion L. Manuel
Employer Supervisory Agreement
To Work in the Business of Insurance
Pursuant to 18 U.S.C. § 1033(e)(2)**

The Iowa Insurance Commissioner, Dion L. Manuel (Manuel), James Moland as Employer Supervisor on behalf of Eric Cochran Agency enter into this Employer Supervisory Agreement pursuant to Iowa Code sections 505.8, 522B.2, .5, .6, .11 and .14 (2013) and 191 Iowa Administrative Code (IAC) 10.4.

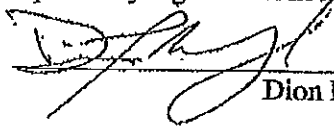
AGREEMENT

Manuel has submitted to the Iowa Insurance Commissioner an Application for Consent to Work in the Business of Insurance. By signing this Employer Supervisory Agreement, the Iowa Insurance Commissioner agrees to grant consent to Manuel to work in the business of insurance pursuant to 18 U.S.C. section 1033(e)(2) and to issue an insurance license to Manuel under the conditions specified in the Employer Supervisory Agreement. By signing this Employer Supervisory Agreement, Manuel, and James Moland as Employer Supervisor and on behalf of Eric Cochran Agency, agree that, during Manuel's employment/affiliation with the Eric Cochran Agency:

1. Manuel shall comply with the terms of the Consent to Work in the Business of Insurance (the Consent) dated August 19th, 2013 issued by the Iowa Insurance Division which is incorporated herein by reference.

2. James Moland on behalf of the Eric Cochran Agency is aware of Manuel's past criminal conviction.
3. James Moland as Employer Supervisor and on behalf of the Eric Cochran Agency acknowledges that he has received a copy of the Consent dated August 19th, 2013 and has reviewed and understands the conditions of the Iowa Insurance Commissioner granting Manuel.
4. Manuel will be employed at the Eric Cochran Agency, 10574 Justin Drive, Urbandale, IA 50322 and will not maintain a separate office at any other location. James Moland as Employer Supervisor and on behalf of the Eric Cochran Agency, agrees to train and supervise Manuel and accepts responsibility for Manuel's actions as they relate to the business of insurance.
5. It is the affirmative duty of Manuel and of James Moland as Employer Supervisor and on behalf of the Eric Cochran Agency to notify the Division if it is determined that facts in Manuel's Application are false. If Manuel changes employers, Manuel and James Moland as Employer Supervisor and on behalf of the Eric Cochran Agency have an affirmative duty to notify the Division. If at any time Manuel is charged with violating a statute or administrative regulation related to the business of insurance, or if Manuel is charged with violating a criminal statute, then Manuel and James Moland as Employer Supervisor and on behalf of the Eric Cochran Agency have an affirmative duty to notify the Division. After such notification, the Division may, based on the circumstances surrounding the violation, withdraw the Consent.

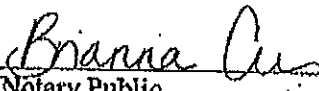
I, Dion L. Manuel have read and do knowingly and voluntarily enter into this Employment Supervisory Agreement in its entirety.


Dion L. Manuel

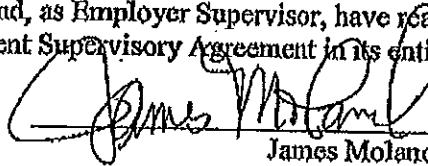
Dated this 21 day of August, 2013.

Subscribed and sworn before me by Dion L. Manuel on this 21 day of August, 2013.




Notary Public

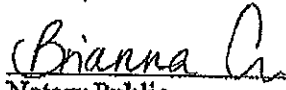
I, James Moland, as Employer Supervisor, have read and do knowingly and voluntarily enter into this Employment Supervisory Agreement in its entirety.


James Moland

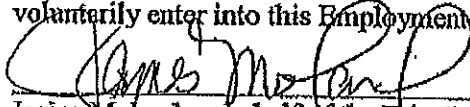
Dated this 21 day of August, 2013.

Subscribed and sworn before me by James Moland on this 21 day of August, 2013.




Notary Public

I, James Moland, on behalf of the Eric Cochran Agency, have read and do knowingly and voluntarily enter into this Employment Supervisory Agreement in its entirety.


James Moland on behalf of the Eric Cochran Agency

Dated this 21 day of August, 2013.

Subscribed and sworn before me by James Moland on this 21 day of August, 2013.




Notary Public

CONSENT TO WORK IN THE BUSINESS OF INSURANCE
CONSENT GRANTED UPON CONDITIONS

The Iowa Insurance Division grants consent for the Applicant to work for the Employer in the business of insurance, pursuant to 18 U.S.C. § 1033(e)(2), upon the following conditions:

- a. This consent is conditioned upon the truth and veracity of the facts disclosed by the Applicant in the Application. If any of the facts in the Application are determined to be false, the Division may withdraw this consent. It is the affirmative duty of the Applicant and the Employer to notify the Division if facts in the Application are determined to be false, as stated in the attached Supervisory Agreement.
- b. 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.
- c. This consent is conditioned upon the Applicant's continued good behavior. If the Applicant is at any time charged with violating an administrative regulation related to the business of insurance, or if the Applicant is charged with violating a criminal statute, the Applicant and the Employer have an affirmative duty to notify the Division and are as stated in the attached Consent Orders. After such notification, the Division may, based on the circumstances surrounding the violation, withdraw this consent.

The affirmative duty of the Applicant and the Employer to notify the Division of changes in the above-listed conditions shall only be legally sufficient if made in writing to the Division within thirty (30) days of the occurrence of such changes. If such notification is not made to the Division or if the notification is made in an untimely fashion the Division, upon discovery of such changes, may withdraw this consent to work in the insurance industry.

Granted this 20th day of August, 2013.



Nick Gerhart
Commissioner of Insurance



STATE OF IOWA

TERRY E. BRANSTAD
GOVERNOR

NICK GERHART
COMMISSIONER OF INSURANCE

KIM REYNOLDS
LT. GOVERNOR



July 23, 2015

SENT VIA CERTIFIED AND REGULAR MAIL

Dion L. Manuel
1107 Prairie View Dr.
West Des Moines, IA 50266

RE: Statement of Charges, Notice of Hearing, Summary Suspension of Insurance Producer's License – IID File # 86926

Dear Mr. Manuel:

On July 2, 2015 the Iowa Insurance Division filed against you the enclosed Statement of Charges, Notice of Hearing, and Summary Suspension of Insurance Producer's License. Also on July 2, 2015, those documents were served upon the commissioner as your agent for service of process.

The Iowa Insurance Division sent the aforementioned documents to your address of record, 1727 NW 99th St., Clive, IA 50325. Notice was sent by certified mail, return receipt requested, and also by first class mail. Both mailings were returned by the U.S. Postal Service and marked as "Forward Time Expired" and "Return to Sender." The returned mailings were also marked with a last known address of 1107 Prairie View Dr., West Des Moines, IA 50266, which was confirmed by a CLEAR Report.

The 20 day time period to file an Answer to the Statement of Charges has now expired. However, given the delays experienced with the returned mailings, the attorney assigned to this matter has agreed to offer you an extension of 14 days to file your Answer. **You must file your Answer by August 6, 2015 or you may be in default.**

If you have questions or concerns regarding the content of this letter please contact me at 515-281-4005 or via e-mail at: irene.vega@iid.iowa.gov.

For The Division,

Irene Vega
Enforcement Bureau

Enclosures: Statement of Charges, Notice of Hearing, Summary Suspension of Insurance Producer's License



Date: July 27, 2015

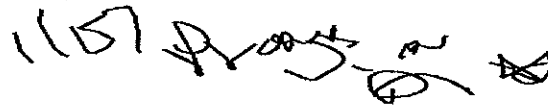
Irene Vega:

The following is in response to your July 27, 2015 request for delivery information on your Certified Mail™ item number 71999991703454714270. The delivery record shows that this item was delivered on July 25, 2015 at 4:08 pm in WEST DES MOINES, IA 50266. The scanned image of the recipient information is provided below.

Signature of Recipient :

A handwritten signature in black ink, appearing to be "Irene Vega".

Address of Recipient :

A handwritten address in black ink, appearing to be "1157 ...".

Thank you for selecting the Postal Service for your mailing needs.

If you require additional assistance, please contact your local Post Office or postal representative.

Sincerely,
United States Postal Service