

BEFORE THE IOWA INSURANCE COMMISSIONER

IN THE MATTER OF	)	Division Case No. 88218
	)	
TINA M. LUKAN,	)	<b>ORDER AND CONSENT TO ORDER</b>
NPN 6903664,	)	
Respondent	)	

COMES NOW the Iowa Insurance Division (“Division”) pursuant to the provisions of the Iowa Insurance Trade Practices—Iowa Code Chapter 507B and the Iowa Licensing of Insurance Producers Act—Iowa Code Chapter 522B, seeks the entry of this order (“Order”):

**I. PARTIES AND JURISDICTION**

1. The Commissioner of Insurance, Nick Gerhart, administers the Iowa Insurance Trade Practices—Iowa Code Chapter 507B and the Iowa Licensing of Insurance Producers Act—Chapter 522B pursuant to Iowa Code § 505.8. Commissioner Gerhart has designated the Iowa Insurance Division to seek enforcement of these provisions.
2. Tina M. Lukan, (“Lukan”), is an individual with a last-known residence address of 939 Daniels Street NE, Cedar Rapids, IA 52402.
3. Lukan is and has been licensed in the state of Iowa as a resident insurance producer since July 19, 2001. She is licensed under National Producer Number 6903664.
4. From about September 2014 to the present date, Lukan has engaged in acts and practices within the state of Iowa constituting cause for suspension or revocation of her insurance producer license, cease and desist orders, and civil penalties or other relief under Iowa Code §§ 507B and 522B, and rules adopted pursuant to Iowa Code Chapters 507B and 522B.
5. Lukan voluntarily consents to the entry of the Order and admits that the Division has personal jurisdiction over Lukan and has subject matter jurisdiction over this matter.

## II. FINDINGS OF FACT

6. Lukan 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 on July 19, 2001. In submitting the Uniform Application, Lukan designated the Commissioner as an agent for service of process.
7. The Division issued Lukan a license as an insurance producer on July 19, 2001 and assigned to her National Producer Number 6903664.
8. At the time of the violation, Lukan worked as an office manager at Premier Investments of Iowa, Inc. (“Premier”).
9. Lukan had the authority to write checks from Premier’s bank account.
10. When Lukan encountered financial difficulties, Lukan would seek permission from Jeffrey Johnston (“Johnston”), the President and Owner of Premier, to write a check payable to herself from Premier’s bank account.
11. In July 2014, Lukan borrowed funds from Premier with Johnston’s verbal consent.
12. In September 2014, Lukan wrote two checks from Premier’s bank account, one payable to Alliant Energy in the amount of \$276.11 and one payable to herself in the amount of \$700, without seeking permission from Johnston.
13. Upon review of Premier’s bank statements by the Vice-President, Brock Renner, the two unaccounted for checks were discovered and brought to the attention of Johnston.
14. On September 29, 2014, Lukan resigned from Premier in lieu of her termination by Premier.

15. On October 27, 2014, the Broker/Dealer of Premier, Cambridge Investment Research, Inc., filed a Uniform Termination Notice for Securities Industry Registration terminating Lukan's registrations with FINRA.

16. On May 11, 2015, FINRA barred Lukan from associating with any FINRA member in any and all capacities.

17. Due to financial difficulties, Lukan has not repaid in full the authorized loan from July 2014 or the two unauthorized amounts from September 2014.

### **III. CONCLUSIONS OF LAW**

#### **COUNT I MISAPPROPRIATING FUNDS**

18. The Division incorporates by reference paragraphs 1-17 above as though fully set forth herein.

19. Lukan misappropriated funds of her employer Premier and demonstrated financial irresponsibility in the conduct of business by writing two checks from Premier's bank account without permission.

20. Lukan's acts and practices have been in violation of Iowa Code §§ 522B.11(d) and (h) subjecting Lukan to revocation or suspension of Lukan's insurance producer license, the imposition of a civil penalty, and an order requiring Lukan to cease and desist from engaging or participating in the business of insurance pursuant to Iowa Code §§ 522B.11 and 522B.17.

### **IV. ORDER**

**WHEREFORE, IT IS ORDERED** pursuant to the powers granted the Commissioner of Insurance by Iowa Code Chapters 507B and 522B:

- A. Lukan shall voluntarily surrender her insurance producer license on the date of this order and shall not re-apply for at least 5 years;

- B. Lukan shall not write any checks from an employer's bank account for at least 5 years;
- C. Lukan shall pay to the state of Iowa a civil penalty in the amount of \$100.00.
- D. Nothing contained in this Order shall in any way limit the Division from instituting administrative or legal action against Lukan for any past conduct or future activity in violation of Iowa laws and regulations.

SO ORDERED on this 21 day of October, 2015.



NICK GERHART  
Iowa Insurance Commissioner

Respectfully submitted,



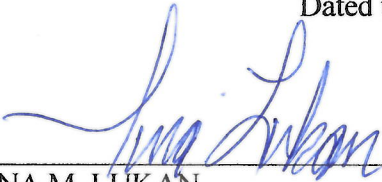
TRACY SWALWELL  
Compliance Attorney

**CONSENT TO ORDER AND AGREEMENT**

I, Tina M. Lukan, Respondent in this matter, have read, understood, and do knowingly consent to this Order in its entirety. By executing this consent, I understand that I am waiving my rights to a hearing, to confront and cross-examine witnesses, to produce evidence, and to judicial review.

I further understand that this Order is considered final administrative action that may be reported by the Division to the National Association of Insurance Commissioners and to other regulatory agencies. I also understand that this Order is a public record under Iowa Code Chapter 22 that will be disclosed to other state regulatory authorities, upon request, pursuant to Iowa Code section 505.8(8)(d). I also understand that the information contained in the Order will be posted to the Division's web site and a notation will be made to the publicly available web site record that administrative action has been taken against me.


Dated this 13 day of October, 2015.



TINA M. LUKAN

939 Daniels St NE, Cedar Rapids, IA 52402  
3375 7<sup>th</sup> Ave Marion, IA 52302  
Address of Signatory

Subscribed and sworn before me by Tina M. Lukan on this 13<sup>th</sup> day of October, 2015.

  
Notary Public for the State of Iowa