

Iowa Department of Inspections and Appeals  
Division of Administrative Hearings  
Wallace State Office Building – Third Floor  
Des Moines, Iowa 50319

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IN THE MATTER OF ) Docket No. 11IID007  
)  
MARK ALAN DUEHR, ) **DEFAULT ORDER**  
)  
Respondent. )

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**FINDINGS OF FACT**

On March 4, 2011, the Dubuque County Sheriff's Department personally served Respondent Mark Alan Duehr with a Notice of Telephone Hearing scheduling a contested case hearing for April 28, 2011 and a Statement of Charges prepared by the Iowa Insurance Division ("Insurance Division"). The Statement of Charges provided "a written answer must be filed with the Division within twenty days of service of the Notice of Hearing unless otherwise ordered. . . . Your failure to file an answer within the twenty-day period or as otherwise ordered shall result in entry of a default decision against you." The Notice of Telephone Hearing stated that the hearing procedures are governed by Iowa Code section 17A.12 and 191 IAC chapter 3.

Duehr did not file an Answer in response to the Statement of Charges and Notice of Telephone Hearing. On March 25, 2011, the Insurance Division served Duehr with a Motion for Entry of Default. The Motion was sent to the same address where Duehr was personally served with copies of the Notice of Telephone Hearing and Statement of Charges. Duehr has not responded to the Insurance Division's Motion.

**CONCLUSIONS OF LAW**

Duehr was served with the Notice of Telephone Hearing and Statement of Charges on March 4, 2011. Duehr was required to file an Answer within 20 days of the date he was served with the Notice of Hearing and Statement of Charges.<sup>1</sup> He has not filed an Answer.

On March 25, 2011, the Insurance Division served Duehr with a Motion for Entry of Default. A party may file a written response to a motion within 10 days after the motion is served.<sup>2</sup> The administrative law judge may consider the motion unresisted, if no response is timely filed.<sup>3</sup> Duehr has not filed a written response to the Insurance Division's Motion for Entry of Default. The Motion is unresisted.

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<sup>1</sup> Iowa Code § 17A.12(d)(3); 191 IAC 3.5(3).

<sup>2</sup> 191 IAC 3.15(2).

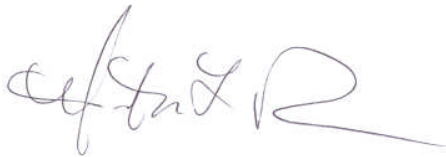
<sup>3</sup> *Id.*

A party to a contested case action may move for default against a party when the party fails to file a required pleading or has failed to appear after proper service.<sup>4</sup> Duehr has not filed an Answer. Duehr has not resisted the Insurance Division's Motion for Entry of Default. Duehr has been properly served. The Insurance Division's Motion should be granted.

### **ORDER**

A default order is entered against Duehr. Duehr's insurance producer license is revoked. Duehr shall cease and desist engaging in violations of the Iowa insurance regulations and rules.

Dated this 11th day of April, 2011.



Heather L. Palmer  
Administrative Law Judge  
515-281-7183

cc: Janet Gustafson and Christina Hazelbaker (electronic mail)  
Mark Alan Duehr (first class mail)

### **NOTICE**

A default decision becomes final agency action 15 days from the date the decision was mailed unless a motion to vacate the default decision is filed within that time period.<sup>5</sup> A motion to vacate must state all the facts upon which the moving party relies to establish good cause for failure to appear or participate at the contested case proceeding. Each fact must be substantiated by at least one affidavit by a person with personal knowledge of the fact, and the affidavit must be attached to the motion.

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<sup>4</sup> *Id.* 3.22(2).

<sup>5</sup> *Id.* 3.22(3).