

BEFORE THE IOWA INSURANCE COMMISSIONER

IN THE MATTER OF:)
)
DANSCO CONTRACTING, DAN)
GLASGOW AND JOEL MANLEY) DIVISION DOCKET NO: 73437

COMES NOW the Iowa Insurance Division ("Division") pursuant to the provisions of the Iowa Unauthorized Insurers Act – Iowa Code Chapter 507A (2011), the Iowa Insurance Trade Practices Act – Iowa Code Chapter 507B (2011) and the Iowa Licensing of Public Adjusters Act – Iowa Code Chapter 522C (2011) and finds as follows:

PARTIES AND JURISDICTION

1. The Commissioner of Insurance, Susan Voss, administers the Iowa Unauthorized Insurers Act – Iowa Code Chapter 507A (2011), the Iowa Insurance Trade Practices Act – Iowa Code Chapter 507B (2011) and the Iowa Licensing of Public Adjusters Act – Iowa Code Chapter 522C (2011) pursuant to Iowa Code § 505.8 (2011).

2. Dansco Contracting is an entity with a last known mailing address of 2954 Belfast R., Argyle, Iowa 52619.

3. Dan Glasgow ("Glasgow") is an individual with a last known mailing address of 2954 Belfast Rd, Argyle, Iowa 52619.

4. Joel Manley ("Manley") is an individual with a last known mailing address of 104 N. Jay Street, Mt. Pleasant, Iowa 52641.

5. Dansco, Glasgow and Manley are not and have not been licensed as a public adjuster in the state of Iowa pursuant to Iowa Code Chapter 522C.

6. Dansco, Glasgow and Manley have engaged in acts and practices within the state of Iowa constituting a violation of Iowa Code Chapters 507A, 507B and 522C or any rule or order adopted or issued pursuant to Iowa Code Chapters 507A, 507B and 522C. The Commissioner of Insurance is authorized to issue this summary order directed to any person

requiring the person to cease and desist from engaging in such acts or practices or take other affirmative action as in her judgment is necessary to comply with the requirements of Iowa Code Chapters 507A, 507B and 522C pursuant to Iowa Code §§ 507A.10, 507B.6A and 522B.17 (2011).

FACTUAL BACKGROUND

7. In April, 2011, Manley met with an Iowa couple to discuss using the services of Dansco to repair recent storm damage to their residence.

8. During the meeting with the Iowa couple, Manley had them sign a document titled "Insurance Representation Contract". The contract states that:

I hereby give Dansco Contracting sole permission to consult with the insurance provider listed below. To meet with and agree upon work to be provided by Dansco Contracting. If I do not further my part of the agreement by having Dansco Contracting complete all repairs. I agree to pay a fee, that will be agreed upon before any inspection or meeting with insurance provider will take place.

9. Dansco, Glasgow and Manley have made misrepresentations and omissions of material facts to Iowa policyholders including, but not limited to, the following:

- a. misrepresented to policyholders that Dansco, Glasgow and Manley had the authority to enter into a contract regarding services provided as a public adjuster;
- b. failed to disclose to policyholders that Dansco, Glasgow and Manley have not registered as public adjusters pursuant to Iowa Code § 522C.4 (2011).

VIOLATIONS OF IOWA INSURANCE LAWS

COUNT I

UNAUTHORIZED INSURER

10. Paragraphs 1 through 9 are incorporated herein by reference.

11. Dansco, Glasgow and Manely have engaged in the doing of the kind of insurance business specifically recognized as constituting the doing of an insurance business within the

meaning of the statutes relating to insurance, including acting as a public adjuster, in Iowa without a license or certificate of authority issued by the Division.

12. Acting as a public adjuster without being licensed under Iowa Code § 522C.4 (2011) involves the doing an insurance business within the meaning of Iowa Code §§ 507A.3 and 522C.2 (2011).

13. Therefore, Dansco, Glasgow and Manley have violated Iowa Code §§ 507A.3 and 507A.5 (2011), by acting as an unauthorized insurer and should be ordered to cease and desist.

14. This action is necessary and appropriate in the public interest and for the protection of policyholders and consistent with the purposes fairly intended by the provisions of Iowa Code Chapter 507A (The Iowa Unauthorized Insurers Act).

COUNT II

MISLEADING OR FALSE INFORMATION OR FALSE ADVERTISING

15. Paragraphs 1 through 14 are incorporated herein by reference.

16. Dansco, Glasgow and Manley approved of, encouraged or acquiesced to agents, representatives, employees or affiliates including Manley, to make misleading sales presentations to induce policyholders to sign a form authorizing representation as a public adjuster in violation of Iowa Code §§ 507B.4(1)(a) and 507B.4(2)(a) (2011).

17. The violation of Iowa Code Chapter 507B and applicable rules is grounds for an order requiring such person to cease and desist from engaging in such method of competition,

act, or practice pursuant to Iowa Code §§ 507B.6 and 507B.7 (2011) and Iowa Administrative Rule 191-15.14.

18. This action is necessary and appropriate in the public interest and for the protection of policyholders and consistent with the purposes fairly intended by the provisions of Iowa Code Chapter 507B (The Iowa Insurance Trade Practices Act).

ORDERS

WHEREFORE, IT IS HEREBY ORDERED pursuant to the powers granted to the Commissioner of Insurance of Iowa Code §§ 507A.10 and 507B.6A (2011) as follows:

A. Dansco, Glasgow and Manley and its principals, officers, directors, agents, representatives, and affiliates including, but not limited to Manley, shall Cease and Desist acting as a public adjuster without a license or certificate of authority as described herein or doing any other act or practice recognized as the doing of an insurance business in the state of Iowa in violation of Iowa Code §§ 507A.3 and 507A.5 (2011).

B. Dansco, Glasgow and Manley shall Cease and Desist making misrepresentations of material facts with respects to the business of insurance in violation of Iowa Code § 507B.4 (2011).

C. Dansco, Glasgow and Manley shall Cease and Desist omitting material facts which, in light of the circumstances surrounding the business of insurance, are misleading in violation of Iowa Code § 507B.4 (2011).

D. Dansco, Glasgow and Manley shall Cease and Desist false or misleading advertising in violation of Iowa Code § 507B.4 (2011).

E. Dansco, Glasgow and Manley shall be assessed a civil penalty of \$1,000 for violating the provisions of the Iowa Unauthorized Insurers Act pursuant to Iowa Code § 507A.10(1) (2011) and rules enacted thereunder.

F. Dansco, Glasgow and Manley shall be assessed a civil penalty of \$1,000 for violating the provisions of the Iowa Insurance Trade Practices Act pursuant to Iowa Code § 507B.7 (2011) and rules enacted thereunder.

G. Dansco, Glasgow and Manley shall be assessed the administrative costs of this action in the amount of \$1,000.

IT IS FURTHER ORDERED pursuant to the powers granted to the Commissioner of Insurance by Iowa Code § 507A.8 (2011) that Dansco, Glasgow and Manley, within thirty (30) days of receipt of this Order, furnish the Division with a complete listing, of all contracts and other documents evidencing acting in the insurance business with Iowa policyholders as a public adjuster as defined in Iowa Code § 522C.2(7).

NOTICE REGARDING FAILURE TO REQUEST A HEARING

If you fail to request a hearing within thirty (30) days of the date of this Cease and Desist Order, the Order shall be a final Order of the Commissioner of Insurance and shall be enforceable by the Commissioner of Insurance in an administrative or court proceeding.

NOTICE REGARDING EXHAUSTION OF ADMINISTRATIVE REMEDIES AND RIGHT TO SEEK JUDICIAL REVIEW

The failure to request a hearing can constitute a failure to exhaust your administrative remedies and limit the issues subject to judicial review. You may seek judicial review of this Order pursuant to Iowa Code Chapter 17A after the Order becomes final. The Order becomes final thirty (30) days after it is issued if you do not timely request a contested case hearing, or following hearing if you do timely request a contested case hearing.

NOTICE OF PENALTIES FOR WILLFUL VIOLATION OF THIS ORDER

YOU ARE NOTIFIED that any person or insurer violating a summary order issued under section 507B.6A shall be deemed in contempt of that order. The commissioner may petition the district court to enforce the order as certified by the commissioner. The district court shall adjudge the person in contempt of the order if the court finds after hearing that the person or insurer is not in compliance with the order. The court may assess a civil penalty against the person or insurer and may issue further orders as it deems appropriate.

NOTICE REGARDING IMPACT OF ORDER ON EXISTING LICENSES

A final Cease and Desist Order may adversely affect 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 Cease and Desist Order for a potential license revocation or disciplinary action.

NOTICE OF RIGHT TO REQUEST HEARING

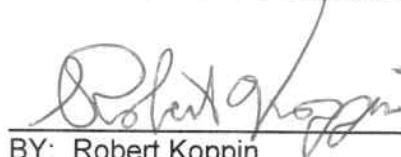
NOTICE IS HEREBY GIVEN that Dansco, Glasgow and Manley or any individual representing the Respondents may request a hearing in this matter. This request must be in writing and must be postmarked or received within thirty (30) calendar days of the date of this order with John Leonhart, Enforcement Bureau Attorney, Iowa Insurance Division, 330 Maple Street, Des Moines, Iowa 50319. Upon receipt of a request for hearing, the matter will be scheduled for hearing within fifteen days. The hearing shall be set at least fifteen (15) days after the date of the notice of hearing unless the parties agree to an earlier date. The hearing

shall be no longer than forty-five (45) days after the date of the notice of the hearing unless extended by the presiding officer for good cause with at least fifteen days notice to the parties.

The resulting hearing will be held in accordance with Iowa Code Chapter 17A.

Dated this 18th day of November, 2011.

SUSAN E. VOSS
IOWA INSURANCE COMMISSIONER



BY: Robert Koppin
Enforcement Bureau Chief

COPY SENT BY CERTIFIED AND FIRST CLASS MAIL TO:

Dansco Contracting
2954 Belfast Rd.
Argyle, IA 52619

Dan Glasgow
2954 Belfast Rd.
Argyle, IA 52619

Joel Manley
104 N. Jay Street
Mt. Pleasant, IA 52641

