

BEFORE THE IOWA INSURANCE COMMISSIONER

IN THE MATTER OF)	
DAVID J. KEMPEMA)	ORDER AND CONSENT TO ORDER
National Producer License No.: 140803)	
)	DIVISION FILE NO.: 73774

Now comes the Iowa Insurance Division ("Division") and alleges that David J. Kempema ("Kempema") has violated the provisions of Chapter 522B – the Licensing of Insurance Producers Act. Kempema consents to the entry of the Order. Kempema admits that the Iowa Insurance Division has personal jurisdiction over him and has subject matter jurisdiction over this matter.

PARTIES AND JURISDICTION

1. The Commissioner of Insurance, Susan E. Voss, enforces Iowa Code Chapter 522B – the Licensing of Insurance Producers Act.
2. Kempema is an individual with a last known mailing address of 2928 S. Cedar St., Apt. 1, Sioux City, IA 51106-4219.
3. Kempema is a licensed resident insurance producer in the state of Iowa.

FACTUAL BACKGROUND

4. On November 1, 2011, Kempema pled guilty and was convicted of one count of introducing and causing the introduction of misbranded drugs into interstate commerce, and causing the misbranding of drugs held for sale after shipment in interstate commerce, with intent to defraud or mislead in violation of 21 U.S.C §§ 331(a), 331(k), and 333(a)(2).
5. Kempema failed to notify the Division, within thirty days of the initial pretrial hearing date, of his criminal prosecution as required by Iowa Code § 522B.16 (2011). Kempema also failed to notify the Division of his criminal conviction on November 1, 2011.

6. The commissioner may suspend or revoke an insurance producer's license for having been convicted of a felony pursuant to Iowa Code § 522B.11(1)(f) (2011).

7. Federal law at 18 U.S.C. § 1033, prohibits a person from engaging or participating in the business of insurance because that person has been convicted of a crime under that statute or of a felony involving dishonesty or breach of trust.

8. Iowa Code § 522B.16B and 191 IAC 13.1-13.3 require that any person prohibited by 18 U.S.C. § 1033 from engaging or participating in the business of insurance because that person has been convicted of a crime under that statute or of a felony involving dishonesty or breach of trust, apply to the commissioner for written consent prior to engaging or participating in the business of insurance in this state.

ORDER

9. **Revocation of insurance producer license.** Kempema consents to the revocation of his insurance producer license in the state of Iowa based on the allegations made in this Order. The revocation of Kempema's Iowa insurance producer license shall be effective upon entry of this order.

10. **Other understandings.** Kempema acknowledges the following:

a. Nothing contained in this Order shall be construed to deprive any person or entity of any private right of action under any law.

b. Nothing contained in this Order shall be construed to limit the authority of the Division to enforce laws, regulations, or rules against Kempema.

Now comes the Enforcement Bureau Chief Robert Koppin, on behalf of the Division, and states that the Order and Consent to Order has been reviewed and approved by the Undersigned.

Dated this 25th day of January, 2012.

Iowa Insurance Division


By Robert Koppin
Enforcement Bureau Chief

CONSENT TO ORDER

I, David J. Kempema, 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 also understand that this Order is considered final administrative action that shall be reported by the Division to the National Association of Insurance Commissioners and to all insurance companies with which I am actively appointed. I also understand that this Order is a public record under Iowa Code Chapter 22 (2011). 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 16th day of January, 2012.


David J. Kempema

David J. Kempema
Printed Name

Subscribed and sworn before me by David J. Kempema on this 16th day of January, 2012.


Notary Public for the State of Iowa

