

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

IN THE MATTER OF) Docket No. 12IID003
)
WILLIAM THIEDE,) **DEFAULT ORDER**
Respondent.)

Respondent William Thiede was licensed by the Iowa Insurance Division (“Division”) as an insurance producer. On March 6, 2012, Thiede was served with a Notice of Telephone Hearing and Statement of Charges. The Statement of Charges was prepared by the Division. In the Statement of Charges the Division reported that it received notification from Thiede’s appointed insurance company that he had been terminated for cause after receiving complaints from three consumers who had purchased policies, but never received their policies from Thiede, and that Thiede deposited the consumer’s payments into his bank account, but did not remit the payments to the insurance company. The Division seeks revocation of Thiede’s insurance producer’s license for improperly withholding, misappropriating, or converting money received in the course of insurance business in violation of Iowa Code section 522B.11(1)*d* and for using fraudulent, coercive, or dishonest practices, or demonstrating incompetence, untrustworthiness, or financial irresponsibility in the conduct of business in Iowa in violation Iowa Code section 522B.11(1)*h*.

The Notice of Telephone Hearing directed Thiede to file an answer within twenty days of receipt of the Notice of Telephone Hearing. Thiede has not filed an answer. The Division filed a Motion for Default Judgment on March 30, 2012. Thiede did not resist the Motion.

CONCLUSIONS OF LAW

The Insurance Commissioner has general control, supervision, and direction over all insurance business transacted in Iowa, and is responsible for enforcing Iowa laws relating to insurance.¹ This case involves an insurance producer’s license issued to Thiede.

The Division may revoke an insurance producer’s license for improperly withholding, misappropriating, or converting money received in the course of insurance business in Iowa, and for using fraudulent, coercive, or dishonest practices, or demonstrating incompetence, untrustworthiness, or financial irresponsibility in the conduct of business in Iowa.²

¹ Iowa Code § 505.8 (2011).

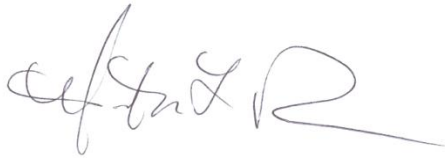
² Iowa Code §§ 522B.11(1)*d, h*.

Thiede was served with the Notice of Telephone Hearing, which directed him to file an answer within twenty days of the receipt of the Notice of Telephone Hearing. Thiede did not file an answer and has not responded to the Division's Motion. The administrative law judge may enter a default decision if a party fails to appear or participate in a contested case proceeding after receiving proper notice.³ The Division seeks to revoke Thiede's insurance producer's license. Based upon Thiede's failure to file an answer and to respond to the Division's Motion, entry of default is proper.

ORDER

Thiede is in default because he failed to file an answer after receiving proper notice. Thiede's insurance producer's license is hereby revoked. The Division shall take any steps necessary to implement this decision.

Dated this 10th day of April, 2012.



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

cc: Michelle Engler and Irene Vega (*via* electronic mail)
William Thiede (*via* 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.⁴ 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.

³ 191 IAC 3.22(1).

⁴ *Id.* 3.22(3).