

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. 12IID005
)
SCOTT M. LIVEZEY,) **DEFAULT ORDER**
Respondent.)

Respondent Scott Livezey was licensed by the Iowa Insurance Division (“Division”) as an insurance producer. Livezey was served with a Notice of Telephone Hearing and Statement of Charges on April 12, 2012. The Statement of Charges was prepared by the Division. In the Statement of Charges the Division reported that it learned Livezey engaged in the sale of an insurance policy before he was licensed by the Division, and he failed or refused to notify the Division of a change of address.

The Notice of Hearing directed Livezey to file an answer within twenty days of receipt of the Notice of Hearing. Livezey has not filed an answer. The Division filed a Motion for Default Judgment on June 1, 2012. Livezey did not resist the Motion. The Division seeks suspension of Livezey’s insurance producer’s license for seven calendar days and imposition of a \$1,000 civil penalty.

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 Livezey.

No person may sell insurance in the state of Iowa unless the person is licensed as an insurance producer.² An insurance producer is required to notify the Division of a change of address within 30 days of the address change.³ The Division may suspend an insurance producer’s license for violating any insurance laws in the state of Iowa.⁴

Livezey was served with the Notice of Hearing, which directed him to file an answer within twenty days of the receipt of the Notice of Hearing. Livezey 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.⁵ The Division seeks to suspend Livezey’s

¹ Iowa Code § 505.8 (2011).

² *Id.* § 522B.2(1).

³ 191 IAC 10.12(2).

⁴ Iowa Code §§ 522B.11(1)*b*.

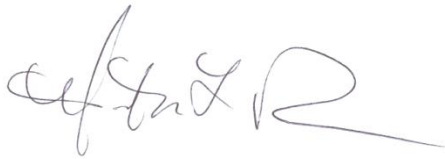
⁵ 191 IAC 3.22(1).

insurance producer's license for a period of seven days and requests imposition of a \$1,000 civil penalty. Based upon Livezey's failure to file an answer and to respond to the Division's Motion, entry of default is proper.

ORDER

Livezey is in default because he failed to file an answer after receiving proper notice. Livezey's insurance producer's license is hereby suspended for seven calendar days, commencing on June 25, 2012. Livezey shall cease and desist from the acts described in the statement of charges. Livezey is assessed a \$1,000 civil penalty payable to the Division. The Division shall take any steps necessary to implement this decision.

Dated this 13th day of June, 2012.



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

cc: Robert Koppin and Irene Vega (*via* electronic mail)
Scott Livezey (*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.⁶ 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.

⁶ *Id.* 3.22(3).