

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. 13IID002
)
ROGER DEAN PIERCE,) **DEFAULT ORDER**
Respondent.)

The Iowa Insurance Division granted Respondent Roger Pierce an insurance producer's license. Pierce was served with a Notice of Telephone Hearing and Statement of Charges on February 15, 2013. The Statement of Charges was prepared by the Insurance Division. In the Statement of Charges alleges the Insurance Division sent Pierce a letter on December 4, 2012, requiring him to respond to an allegation that he failed to return property "bond forms" issued to him by Elite Security, Inc. and to remit premiums collected for payment on the surety bonds issued. The Insurance Division contends Pierce submitted a response, but his response did not provide information on the bond forms or provide an accounting of all surety bonds and premiums he collected.

The Insurance Division reports it sent Pierce a letter on January 2, 2013 asking him to answer a complaint he failed to return property "bond forms" issued to him by Elite Security, Inc. and failed to remit premiums collected for the payment of surety bonds issued by him. The Insurance Division contends the response it received from Pierce did not address the requested information, and simply discussed Pierce's relationship issues with the complainant. The Insurance Division sought a \$1,000 civil penalty and suspension of Pierce's license until he provided the Insurance Division with a full and accurate response to the allegations.

On March 11, 2013, the Insurance Division submitted a Motion to Request a Change in the Claim of Relief. In the Motion the Insurance Division reports that on March 1, 2013, Pierce allowed his license to expire and he is no longer appointed with any insurance carriers. The Insurance Division seeks revocation of Pierce's license based on his failure to provide a complete and accurate written response to the Insurance Division's investigation.

A contested case hearing was scheduled for April 3, 2013 at 8:00 a.m. Attorney Robert Koppin and Wayne Lacher appeared on behalf of the Insurance Division. Pierce did not appear. I waited 5 minutes for Pierce to join the call before releasing Koppin and Lacher. I also waited an additional 10 minutes to accommodate a late call from Pierce. He did not call. The administrative file shows Pierce was properly served in this matter.

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 Pierce.

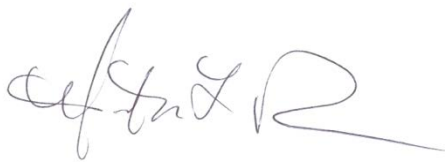
An insurance producer is required to "promptly respond to inquiries" from the Insurance Division.² The Insurance Division may suspend or revoke an insurance producer's license or impose a civil penalty for "failing or refusing to cooperate in an investigation by the commissioner."³ Pierce did not provide a complete and accurate written response to the Insurance Division regarding the allegation he failed to return property "bond forms" issued to him by Elite Security, Inc. and failed to remit premiums collected for the payment of surety bonds issued by him. He did not appear at hearing to explain his actions and inactions. Pierce's insurance producer license should be revoked and he should be assessed a \$1,000 civil penalty.

Pierce received proper notice of the hearing, but did not appear. The administrative law judge may enter a default decision if a party fails to appear at a contested case hearing after receiving proper notice.⁴ The Insurance Division requests revocation of Pierce's insurance producer license and imposition of a \$1,000 civil penalty. Based upon Pierce's failure to appear at hearing after receiving proper notice, entry of default is proper.

ORDER

Pierce is in default because he failed to appear at the April 3, 2013 contested case hearing. Pierce's insurance producer license is hereby revoked and he shall pay a \$1,000 civil penalty. The Insurance Division shall take any steps necessary to implement this decision.

Dated this 3rd day of April, 2013.



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

cc: Robert Koppin & Irene Vega (*via electronic mail*)
Roger Pierce

¹ Iowa Code § 505.8 (2011).

² *Id.* § 507B.4A(1).

³ *Id.* § 522B.11(1)*b; p.*

⁴ 191 IAC 3.22(1).

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.⁵ 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.

⁵ *Id.* 3.22(3).