

BEFORE THE IOWA INSURANCE COMMISSIONER

IN THE MATTER OF)

JAMES ROBERTS)

National Producer License Number:)
1350449)

**ORDER OF SUMMARY
SUSPENSION and NOTICE OF
OPPORTUNITY FOR HEARING**

Division Docket No.: 78986

Pursuant to Iowa Code sections 17A.18A and IAC 191-3.31, this matter comes before the Commissioner of Insurance upon an application by the Iowa Insurance Division for an Order of Summary Suspension of the insurance producer license of James Roberts.

PARTIES AND JURISDICTION

1. The Commissioner of Insurance, Nick Gerhart, administers and enforces the Iowa Licensing of Insurance Producers Act, Chapter 522B, pursuant to Iowa Code § 505.8 (2013).
2. James Roberts ("Roberts") is an individual with a last known mailing address of 14723 Miami St., Omaha, NE 68116.
3. Roberts has engaged in acts and practices constituting violations of Iowa Code chapter 522B and any rule or order adopted or issued pursuant to Iowa Code chapter 522B. The Commissioner of Insurance is authorized to issue this Order of Summary Suspension pursuant to Iowa Code sections 17A.18A, 522B.11 and IAC rule 191-3.31.

FACTUAL BACKGROUND

Reasonable evidence exists to demonstrate the following:

4. Roberts is licensed as a non-resident insurance producer in the State of Iowa.
5. On or about March 31, 2011, Client B gave Roberts a check for \$2,000 with a notation stating "Investment." This money was intended to be an investment to be made by Roberts for the benefit of Client B.

6. On April 9, 2011, Roberts deposited the money into his personal bank account.
7. On April 18, 2011, Roberts transferred the \$2,000 into a brokerage account controlled by Roberts.
8. On May 27, 2011, Roberts transferred the \$2,000 from the brokerage account back to his personal bank account.
9. On June 1, 2011, Roberts used the money from Client B to pay his home mortgage and other personal expenses.
10. Roberts, acting as a licensed insurance producer and securities agent, accepted funds intended for an investment and used the funds for personal expenses.
11. On April 18, 2013, a Notice of Hearing and attached Statement of Charges was served on Roberts on allegations that Roberts engaged in numerous violations regarding Client A. A hearing in that matter is scheduled for July 29, 2013.

VIOLATIONS OF LAW

11. The Division realleges and incorporates by reference paragraph 1-10 above as if fully set forth herein.
12. Iowa Code § 522B.11(1)(d) states that the commissioner may suspend or revoke an insurance producer's license for improperly withholding, misappropriating, or converting any moneys or properties received in the course of doing insurance business.
13. Iowa Code § 522B.11(1)(h) states that the commissioner may suspend or revoke an insurance producer's license for using fraudulent, coercive or dishonest practices, or

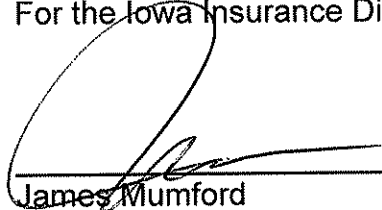
demonstrating incompetence, untrustworthiness, or financial irresponsibility in the conduct of business in this state or elsewhere.

THE PUBLIC SAFETY AND WELFARE REQUIRE EMERGENCY ACTION, since it is likely that Roberts will continue to access, convert, misappropriate or withhold customer funds and demonstrate untrustworthiness and financial irresponsibility in the conduct of business in the State of Iowa. The commissioner has authority to order the summary suspension of the insurance producer license of an individual under Iowa Code sections 17A.18A and 522B.11 (2013) and Iowa Administrative Code 191-3.31.

THEREFORE, IT IS ORDERED THAT:

1. The Iowa non-resident insurance producer license of Roberts is suspended immediately;
2. Roberts shall immediately cease and desist from participating in the business of insurance in Iowa;
3. The failure of Roberts to request a hearing within 30 days of the date of this Order of Summarily Suspension shall be deemed to be a waiver of the right to a hearing and result in the entry of an Order of Revocation of Insurance Producer Registration.

For the Iowa Insurance Division,



James Mumford
First Deputy Commissioner of Insurance

MAY 20, 2013
Date

NOTICE OF RIGHT TO REQUEST HEARING

NOTICE IS HEREBY GIVEN that Roberts or any individual representing Roberts may request a hearing in this matter. This request must be in writing and must be filed within thirty (30) calendar days of the date of this Order with Robert Koppin, Enforcement Bureau Chief, Iowa Insurance Division, 330 Maple Street, Des Moines, Iowa 50319. A notice of the hearing shall be prepared and shall be given at least fifteen (15) days before the date of the hearing unless the parties agree to an earlier date. The hearing shall be held within 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 (2009).

NOTICE REGARDING FAILURE TO REQUEST A HEARING

If you fail to request a hearing within thirty (30) days of the date of this Order of Summary Suspension, 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 who willfully violates this order shall be deemed in contempt of the order pursuant to Iowa Code section 522B.17. The commissioner may petition the district court to hold a hearing to enforce the order as certified by the commissioner. The district court may assess a civil penalty against the person in an amount not less than three

thousand dollars but not greater than ten thousand dollars per violation and may issue further orders as it deems appropriate.

SENT BY RESTRICTED CERTIFIED AND FIRST CLASS MAIL TO:

James Roberts
14723 Miami Street
Omaha, NE 68116

