

BEFORE THE IOWA INSURANCE COMMISSIONER

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IN THE MATTER OF )

TODD A. MILLER )

National Producer License Number: )  
6858715 )

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

Division Docket No.: 81223

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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. Todd A. Miller ("Miller") is an individual with a last known mailing address of 501 NW Boulder Brook Dr., Ankeny, IA 50023-8717.
3. Miller 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. Miller is licensed as a resident insurance producer in the State of Iowa.

5. On July 26, 2012, Miller's appointment to sell insurance products for Farm Bureau Life Insurance Company and Farm Bureau Property & Casualty Insurance Company (collectively "Farm Bureau") was terminated by those companies.

6. Miller formerly served as the treasurer of a professional association for which he was entrusted with and granted access to the bank account and funds of the association. An internal investigation by Farm Bureau alleged that Miller had misappropriated funds from the professional association for his own personal use. The investigation also alleged that Miller used \$3,444.00 of the misappropriated funds to pay claims for insurance clients for which he had failed to obtain adequate coverage and for his own personal benefit. Farm Bureau's investigation has provided substantial evidence from bank records and interviews with Miller supporting the allegations that misappropriated funds were paid to insurance clients of Miller.

7. On August 12, 2013, the Division sent Miller a letter requiring a written explanation of the allegation that he had admitted to Farm Bureau using his position as treasurer of the professional association to pay claims for Farm Bureau insurance customers out of the professional association bank account. This was alleged to have been done without the knowledge and consent of Farm Bureau and the professional association. A written response was due on or before August 23, 2013. No response was received from Miller to the Division's letter.

## VIOLATIONS OF LAW

8. The Division realleges and incorporates by reference paragraph 1-7 above as if fully set forth herein.
9. 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.
10. 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.
11. Iowa Code § 522B.11(1)(p) states that the commissioner may suspend or revoke an insurance producer's license for failing or refusing to cooperate in an investigation of the commissioner.

THE PUBLIC SAFETY AND WELFARE REQUIRE EMERGENCY ACTION, since it is likely that Miller 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:

- A. The Iowa resident insurance producer license of Miller is suspended immediately;
- B. Miller shall immediately cease and desist from participating in the business of insurance in Iowa;
- C. The failure of Miller 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

Aug 30, 2013  
Date

#### NOTICE OF RIGHT TO REQUEST HEARING

NOTICE IS HEREBY GIVEN that Miller or any individual representing Miller 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, 601 Locust Street, 4<sup>th</sup> Floor, Des Moines, Iowa 50309. 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 (2013).

**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:

Todd A. Miller  
501 NW Boulder Brook Dr.  
Ankeny, Iowa 50023-8717

