

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. 13IID016
)
JUSTIN McKINNON,) **DEFAULT ORDER**
)
Respondent.)

The Iowa Insurance Division granted the Respondent, Justin McKinnon, an insurance producer's license on April 24, 2012. On July 16, 2013, a Statement of Charges were sent to the Respondent by first class mail and restricted mail. The Statement of Charges was prepared by the Insurance Division ("Division"). In the Statement of Charges, the Division contends Mr. McKinnon violated: (1) Iowa Code § 522B.11(1)*f* by having been convicted of a felony; (2) Iowa Code § 522B.11(1)*p* by failing to cooperate in an investigation by the commissioner of insurance; and Iowa Code section 507B.4A(1) failing to promptly respond to inquiries from the commissioner. Specifically, the Division alleges the Respondent was terminated from an insurance agency after he was convicted on February 11, 2013 of second degree home invasion, a felony.

A contested case hearing was scheduled for August 30, 2013 at 8:00 a.m. The Respondent refused to accept service of the restricted mailing to him of the Notice of Hearing and Statement of Charges. The hearing was continued to October 25, 2013 at 8:00 a.m. New Notice of Hearing and a copy of the Statement of Charges was mailed to the Respondent by First Class Mail to his last known business and personal addresses and was not returned as undeliverable.

At the hearing on October 25, Attorney John Leonhart appeared on behalf of the Insurance Division. Mr. McKinnon did not appear at the time of the hearing nor within the next ten minutes.

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 Mr. McKinnon.

The Division may seek revocation of a producer's license if the producer engages in one or more the following: (1) conviction of a felony, Iowa Code § 522B.11(1)*f*; (2) failure to cooperate in an investigation by the commissioner of insurance, Iowa Code § 522B.11(1)*p*; and (3) failure to promptly respond to inquiries from the commissioner, Iowa Code § 507B.4A(1). The Statement of Charges sets forth the facts alleged by Division in support of revocation of Mr. McKinnon's license.

Mr. McKinnon 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

¹ Iowa Code § 505.8 (2011).

receiving proper notice.² The Insurance Division requests revocation of Mr. McKinnon's insurance producer license. Based upon Mr. McKinnon's failure to appear at hearing after receiving proper notice, entry of default is proper.

ORDER

The Respondent, Justin McKinnon, is in default because he failed to appear at the October 25, 2013 contested case hearing. Justin McKinnon's insurance producer license is hereby revoked. The Insurance Division shall take any steps necessary to implement this decision.

Dated this 25th day of October, 2013.

A handwritten signature in black ink, appearing to read "Carol J. Greta". The signature is fluid and cursive, with a long, sweeping tail on the final letter.

Carol J. Greta
Administrative Law Judge

cc: Justin McKinnon (first class)
John Leonhart & Irene Vega

² 191 IAC 3.22(1).