

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. 13IID029  
 )  
DANIEL E. PETEFISH. ) **DEFAULT ORDER**

---

Daniel Petefish is licensed with the Iowa Insurance Division (“Division”) as an insurance producer. The Division learned that on October 4, 2013 Petefish plead guilty to fifth-degree theft for stealing a co-worker’s purse. He did not report this conviction to the Division.

The Division subsequently filed a Statement of Charges alleging that by virtue of his conviction, his failure to report that conviction, and failure to cooperate in the Division’s investigation, Petefish’s insurance provider license should be revoked.

A contested case hearing was scheduled for November 21, 2013 at 8:30 a.m. Michelle Engler appeared on behalf of the Division. Petefish did not appear. I waited eight minutes for Petefish to join the call before going on the record. Once on the record, Engler noted that the Division had unsuccessfully attempted to serve Petefish both personally and through restricted mail. She also noted that the Notice of Telephone was also sent by regular mail. She therefore requested a default be entered against Petefish.

### 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.<sup>1</sup> This case involves a request to revoke an insurance producer’s license under Iowa Code sections 522B.11(1)(h), 522B.16, and 522B.11(p).

The Division may deny a sales agent license application when a person has a “[c]onviction of a criminal offense involving dishonesty or a false statement including but not limited to fraud, theft, misappropriation of funds, falsification of documents, deceptive acts or practices, or other related offenses.”<sup>2</sup> The Division may also deny a license application when a person fails to disclose a criminal conviction.<sup>3</sup>

The Division’s rules state that “Service upon an unrepresented party shall be made by delivering or mailing a copy to the party’s last-known address. Service by mail is complete upon mailing, except where otherwise specifically provided by statute, rule, or

---

<sup>1</sup> Iowa Code § 505.8 (2011)

<sup>2</sup> Iowa Code § 523A.503(1)f; 191 IAC 103.2(4)d, 103.2(4)f.

<sup>3</sup> Iowa Code § 523A.503(1)a; 191 IAC 103.2(4)f, 105.6(1).

order.”<sup>4</sup> Here, along with attempted personal and restricted mail service, according to Engler the Division also used regular mail at Petefish’s last known address. Service was therefore proper.

The administrative law judge may enter a default decision if a party fails to appear at a contested case hearing after receiving proper notice.<sup>5</sup> Based upon Petefish’s failure to appear at hearing, entry of default is proper.

### **ORDER**

Petefish is in default because he failed to appear at the November 21, 2013 contested case hearing. The Division’s request to revoke his insurance license is GRANTED. The Division shall take any steps necessary to implement this decision.

Dated this 21<sup>st</sup> day of November, 2013.



David Lindgren  
Administrative Law Judge  
515-281-7148

cc: Daniel A. Petefish  
Michelle Engler & Irene Vega

### **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.<sup>6</sup> 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.

---

<sup>4</sup> 191 IAC 3.12(2)

<sup>5</sup> 191 IAC 3.22(1).

<sup>6</sup> *Id.* 3.22(3).