

FILED

FEB 27 2014

COMMISSION OF INSURANCE
INSURANCE DIVISION OF IOWA

BEFORE THE IOWA INSURANCE COMMISSIONER

IN THE MATTER OF
ANTHONY VALENTI

)
)
)

DIVISION FILE NO.: 81849

**DEFAULT ORDER OF REVOCATION, CEASE AND DESIST
AND CIVIL PENALTY**

Now therefore, the Commissioner of Insurance, being fully advised in the premises, issues the following findings of fact, conclusions of law and order of revocation, cease and desist and civil penalty:

Findings of Fact

1. On October 6, 2011, Respondent Anthony Valenti ("Valenti") applied for a non-resident producer license by submitting through the National Insurance Producer Registry a Uniform Application for Individual Insurance Producer License ("Application").

2. In submitting the Application, Valenti designated the Commissioner as an agent for service of process.

3. Valenti received an insurance producer license from the State of Iowa on October 6, 2011 and was assigned national producer number 16389966.

4. As a licensed insurance producer, Valenti is required to keep his address current. Valenti's last recorded address in his license record is 3122 Hidden Ridge Terrance, Abingdon, MD 21009.

5. On October 15, 2013, the Iowa Insurance Division (“Division”) received a letter from Time Insurance Company (“Time”) that they were terminating Valenti’s appointment with them for cause.

6. Time’s letter indicated that Valenti allowed other producers to submit applications under his name when he neither solicited nor wrote the policies. Valenti was told by the company to discontinue this practice but he failed to do so.

7. On October 16, 2013, the Division sent a letter to Valenti at his mailing address on file requiring Valenti to file written comments concerning the substance of his termination for cause with Time.

8. A written response to the Division’s investigative request was due on or before November 1, 2013, but Valenti did not respond.

9. On November 27, 2013, the Division filed a statement of charges against Valenti.

10. Pursuant to Valenti’s consent to service of process, the Commissioner was served with the statement of charges on November 27, 2013. The Commissioner issued a Notice of Hearing scheduling a contested case for February 25, 2014.

11. The Commissioner mailed notification of the statement of charges and the notice of hearing to the last known address provided by Valenti in his licensing record.

12. On December 10, 2013, Valenti accepted the notice of hearing and statement of charges by restricted certified mail delivery from the United States Postal Service.

13. Valenti has not filed an answer, nor any other responsive pleading to the statement of charges.

14. On February 5, 2014, the Insurance Division mailed a motion for entry of default judgment to Valenti's address of record.

15. Valenti has not filed any response to the motion for entry of default judgment.

Conclusions of Law

16. The Commissioner may consider a motion unresisted, if no response is timely filed. 191 IAC 3.15(2). Valenti has not filed a timely written response to the Division's motion for entry of default judgment. The motion is unresisted.

17. A party to a contested case action may move for default against a party when the party fails to file a required pleading or has failed to appear after proper service. 191 IAC 3.22(2). Valenti has not filed an answer and has not resisted the Division's motion for default judgment.

18. Under Valenti's consent to service of process, Valenti was properly served as required in 191 IAC 3.5(1). As a licensed producer, Valenti is required to maintain a current address in his license record. 191 IAC 10.12(2).

19. The Division's motion for default should be granted.

20. Valenti has failed to promptly respond to inquiries from the commission in violation of Iowa Code section 507B.4A (2013).

21. The violation of Iowa Code Chapter 507B and applicable rules is grounds for revocation, suspension, censure, and/or the imposition of a civil penalty and an order requiring such person to cease and desist from the acts, methods or practices stated in this statement of charges pursuant to Iowa Code §§522B.11, 522B.17, 507B.6 and 507B.7 (2013).

22. Valenti failed or refused to cooperate in an investigation by the Division in violation of Iowa Code § 522B.11(1)(p) (2013).

23. The violation of Iowa Code Chapter 522B and applicable rules is grounds for revocation, suspension, censure, and/or the imposition of a civil penalty and an order requiring such person to cease and desist from the acts, methods or practices stated in this statement of charges pursuant to Iowa Code §§522B.11, 522B.17, 507B.6 and 507B.7 (2013).

24. This hearing procedure was governed by Iowa Code sections 17A.12, 522B.11, 522B.17, 507B.6 and 507B.7; and 191 IAC Ch. 3.

ORDER

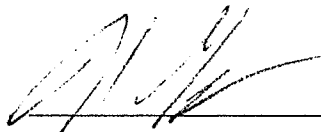
IT IS HEREBY ORDERED that Anthony Valenti is in Default.

IT IS FURTHER ORDERED that an order of revocation is entered against Valenti and his Iowa insurance producer license is hereby REVOKED. The Insurance Division shall take any steps necessary to implement this decision.

IT IS FURTHER ORDERED that Anthony Valenti shall cease and desist from engaging in any of the acts, methods or practices determined as violations herein or from transacting the business of insurance in this state.

IT IS FURTHER ORDERED that Anthony Valenti shall pay to the State of Iowa, Insurance Division, a civil penalty in the amount of \$500.

Dated this 25 date of February, 2014.



NICK GERHART
Commissioner of Insurance

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. 191 IAC 3.22(3). 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.