

**FILED**

JUN 09 2014

COMMISSION OF INSURANCE  
INSURANCE DIVISION OF IOWA

BEFORE THE IOWA INSURANCE COMMISSIONER

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IN THE MATTER OF	)	
	)	
	)	ORDER AND CONSENT TO ORDER
	)	
MICHAEL D. BOOTHBY,	)	DIVISION FILE NO.: <b>83394</b>
a sales agent,	)	
SA-00867,	)	
Respondent	)	

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Now comes the Iowa Insurance Division ("Division") pursuant to the provisions of the Iowa Cemetery and Funeral Merchandise and Funeral Services Act - Iowa Code Chapter 523A and Iowa Administrative Code Chapters 191-103, 105 & 106. The Division alleges that Michael D. Boothby (hereafter "Agent") failed to file an annual report with the Commissioner on or before April 1, 2014 and failed to remit required fees as stated in the Statement of Charges with Application for Suspension for Good Cause dated May 2, 2014 which. Agent consents to the entry of this Order. Agent admits that the Iowa Insurance Division has personal jurisdiction over him and has subject matter jurisdiction over this matter.

**AGREEMENT**

- 1 Censure of Preneed Sales Agent license. Agent agrees to the censure of his preneed sales agent license in the state of Iowa based on the allegations made in this Order.
2. Cease and Desist Order. Agent agrees to cease and desist further violations of Iowa Code Chapter 523A and its rules.

3. Filing of Annual Report. Agent agrees to file their annual report prior to or upon the signing of this Order.

4. Civil Penalty. Agent agrees to the payment of \$500 payable upon the signing of this Order.

5. Reinstatement of licenses. The Division agrees to reinstate Agent's license upon the signing of this Order by the Commissioner and to vacate the Order of Suspension dated May 7, 2014.

### **ORDER**

WHEREFORE, IT IS ORDERED pursuant to the powers granted to the Commissioner of Insurance by Iowa Code Chapter 523A that:

1. Agent is hereby censured.

2. Agent shall cease and desist violating Iowa Code Chapter 523A and its rules.

3. Agent shall file the 2014 annual report contemporaneous with the issuance of this Order.

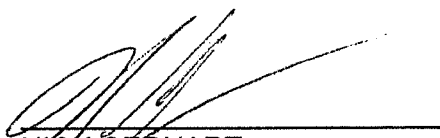
4. Agent shall pay a civil penalty of \$500 to the Division contemporaneous with the issuance of this Order. The check shall be made payable to the Iowa Insurance Division and remitted along with the signed Consent to Order to the Iowa Insurance Division, Two Ruan Center, 601 Locust Street, 4<sup>th</sup> Floor, Des Moines, Iowa 50309 with attention to John Leonhart, Enforcement Attorney.

5. The Order of Suspension is vacated and Agent's license shall immediately be reinstated.

6. Nothing contained in this Order shall in any way limit the right of the Division to institute administrative or legal action against Agent for any other past conduct or future activity in violation of Iowa laws or regulations.

Dated this 5 day of June, 2014.

Iowa Insurance Commissioner



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NICK GERHART  
Insurance Commissioner



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JOHN LEONHART  
Enforcement Attorney

### CONSENT TO ORDER

I, Michael D. Boothby, have read, understood, and do knowingly consent to this Order in its entirety. By executing this consent, I understand that I am waiving my rights to a hearing, to confront and cross-examine witnesses, to produce evidence, and to judicial review. I also understand that this Order is considered final administrative action that

shall be reported by the Division to the Central Registration Depository, if securities licensed, and, if insurance licensed, to the National Association of Insurance Commissioners and to all insurance companies with which the entity is actively appointed. I also understand that this Order is a public record under Iowa Code Chapter 22 (2013), that will be disclosed to other state regulatory authorities, upon request, pursuant to Iowa Code section 505.8(8)(d) (2013). I also understand that the information contained in the Order will be posted to the Division's web site and a notation will be made to my publicly available web site record that administrative action has been taken against me.

Dated this 30 day of May, 2014.

Michael D. Boothby  
Michael D. Boothby

Michael D. Boothby  
Print Name

Subscribed and sworn before me by Michael D. Boothby on this 30th day of May, 2014.

LaVonne Bryant  
Notary Public for the state of Iowa

