

BEFORE THE IOWA INSURANCE COMMISSIONER

IN THE MATTER OF)	ORDER AND CONSENT TO ORDER
)	
MITCHELL FINK)	
)	
NATIONAL PRODUCER # 14385186)	DIVISION FILE NO.: 82229

The Iowa Insurance Division ("Division") pursuant to the provisions of the Iowa Licensing of Insurance Producers Act – Iowa Code Chapter 522B has sought the entry of this Order.

PARTIES AND JURISDICTION

1. The Commissioner of Insurance, Nick Gerhart, enforces the Iowa Licensing of Insurance Producers Act, Iowa Code Chapter 522B, pursuant to Iowa Code § 505.8 (2013).
2. Fink is an individual with a last known mailing address of 528 Makee Drive, Waukon, IA 52172.
3. Fink is a licensed insurance producer in the state of Iowa.

FACTUAL ALLEGATIONS

4. Fink applied for a resident insurance producer license to the Division by submitting through the National Insurance Producer Registry a Uniform Application for Individual Insurance Producer License ("Application") on July 8, 2009.
5. In response to the question on the Application stating "have you ever been convicted of, or are you currently charged with, committing a crime, whether or not adjudication was withheld?" Fink answered "no."
6. In December, 2013, the Division learned that Fink had been convicted of Criminal Sexual Conduct in the Fifth Degree, a gross misdemeanor, on September 20, 2008, in Houston County, Minnesota.

7. In a written statement in response to a letter from the Division requesting information regarding this criminal conviction, Fink admitted that he failed to disclose the conviction on his application.

STIPULATIONS

8. Jurisdiction. Fink consents to the entry of this Order and admits that the Iowa Insurance Division has personal jurisdiction over him and has subject matter jurisdiction over this matter.

9. Suspension. Fink agrees to a one year suspension of his insurance producer license in the state of Iowa based on the allegations in this Order.

10. Cease and Desist. Fink agrees to cease and desist violating Iowa Code Chapter 522B and its rules based on the allegations made in this Order.

11. Probation. Fink agrees to a probationary period of two years in which a failure to timely report an administration action or criminal prosecution pursuant to Iowa Code § 522B.16 (2013) will result in the immediate summary suspension of his insurance producer license subject to a hearing on the matter.

12. Civil penalty. Fink agrees to pay a civil penalty of \$1000 based on the allegations made in this Order.

ORDER

WHEREFORE, IT IS ORDERED pursuant to the powers granted to the Commissioner of Insurance by Iowa Code Chapter 522B that:

1. Fink shall be suspended for a time period of one (1) effective the date this Order is signed by the Commissioner.
2. Fink shall cease and desist from future violations of Iowa Code Chapter 522B and its rules.
3. Fink shall serve a probationary period of two (2) years following the completion of his

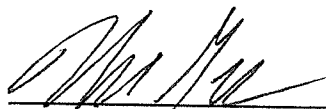
suspension. During his probationary period, Fink shall report any administrative action or criminal prosecution pursuant to Iowa Code § 522B.16 (2013). A failure to timely report an administrative action or criminal prosecution shall result in the immediate summary suspension of Fink's insurance producer license subject to a hearing on the matter.

4. Fink shall pay a civil penalty of \$1000 to the Division contemporaneous with the issuance of this Order. The check for \$1000 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, 4th Floor, Des Moines, IA 50309 with attention to John Leonhart, Enforcement Attorney.

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

Dated this 27 day of October, 2014.

Iowa Insurance Commissioner



NICK GERHART
Iowa Insurance Commissioner



JOHN LEONHART
Enforcement Attorney

CONSENT TO ORDER

I, Mitchell Fink, 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 National Association of Insurance Commissioners and to all insurance companies with which I am 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 § 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 the publicly available web site record that administrative action has been taken against me.

Dated this 15 day of ^{October}~~August~~, 2014.

Mitchell Fink
Mitchell Fink

Mitch F Fink
Printed Name

811 N. Woods Ln Waukon Iowa 52172
Address of Signatory

Subscribed and sworn before me by Mitchell Fink on this 15 day of ^{October}~~August~~,

2014.

Kimberly Kay Burkhartzmeyer
Notary Public for the State of Iowa *minnesota*

