



BEFORE THE IOWA INSURANCE COMMISSIONER

IN THE MATTER OF)

STEPHENIE L. OWEN)

) DIVISION FILE NO.: 84720
)

**DEFAULT ORDER UPHOLDING REFUSAL TO ISSUE
INSURANCE PRODUCER LICENSE**

Now therefore, the Commissioner of Insurance, being fully advised in the premises, issues the following findings of fact, conclusions of law and order of refusal to issue insurance producer license:

Findings of Fact

1. On July 17, 2014, Respondent Stephenie L. Owen ("Owen") applied for a 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, Owen designated the Commissioner as an agent for service of process.
3. On July 18, 2014, the Division notified Owen by letter that her Application was being denied because of her failure to correctly answer background question number two pursuant to Iowa Code § 522B.11(1)(a) (2013). Specifically, Owen failed to report the previous administrative actions taken against her by the Iowa Board of Pharmacy. She was informed that the decision would become final unless she requested an administrative hearing within thirty days of the date of the letter.

4. On July 29, 2014, the Division received a letter from Owen requesting an administrative hearing on the denial of her application for an insurance producer license.
5. On November 16, 2010, the Iowa Board of Pharmacy ("Board") filed a statement of charges against Owen, a licensed pharmacist in the state of Iowa. Owens was charged with five counts including: Count I – Lack of Professional Competency, Count II – Inability to Practice Due to Chemical Abuse, Count III – Unlawful Possession of Prescription Drugs, Count IV – Illegal Distribution of Drugs and Count V – Violation of Controlled Substances Law.
6. On November 16, 2010, the Board issued an "Emergency Order" to Owen in which her pharmacist license was suspended immediately upon issuance of the order and for an indefinite period of time.
7. On March 11, 2011, the Board entered into a "Stipulation and Consent Order" to resolve the pending charges. Under the terms of the order, Owen's license was suspended indefinitely. The terms for Owen's future reinstatement were set forth in the order.
8. On October 10, 2013, the Board ordered Owen's license to be reinstated after a hearing on the matter. Under this order, Owen's pharmacist license was placed on probation for a term of five years with numerous conditions.
9. On March 12, 2014, the Board filed a Notice of Hearing and Statement of Charges against Owen charging her with violation of a Board order or rule. One of the conditions of Owen's probation was to participate in random blood, hair or urine testing. Owen had agreed to participate in chemical screenings with FirstLabs. Owen was

suspended from FirstLabs participation and was not participating in any screening program.

10. On June 30, 2014, an administrative hearing was held on the Notice of Hearing and Statement of Charges issued on March 12, 2014. Owen did not appear nor did counsel represent her at the hearing. The decision in this case is expected to be reviewed by the Board at its August 27, 2014 meeting.

11. Owen's answer of "No" to Question number two was incorrect, misleading, incomplete or materially untrue information in her license application.

12. On August 5, 2014, the Division filed a statement of charges against Owen.

13. Pursuant to Owen's consent to service of process, the Commissioner was served with the statement of charges on August 6, 2014. The Commissioner issued a Notice of Hearing scheduling a contested case for September 3, 2014.

14. The Commissioner mailed notification of the statement of charges and the notice of hearing to the last known address provided by Owen in her licensing record.

15. On August 25, 2014, the Commissioner's restricted certified mailing, containing the Notice of Hearing and Statement of Charges, sent to Owen's last known mailing address was returned as unclaimed.

16. On August 26, 2014, the Division sent a First Amended Statement of Charges to Owen at her last known mailing address adding an additional allegation that Owen failed to timely inform the Division of an address change.

17. On September 2, 2014, the Division filed a Motion for Continuance to permit Owen the opportunity to file an answer in this matter.

18. On September 18, 2014, the Commissioner mailed an Order Granting Motion to Continue and Setting In-Person Hearing to the last known address provided in Owen's licensing record.

19. On September 20, 2014, the Commissioner's restricted certified mailing, containing the Order Granting Motion to Continue and Setting In-Person Hearing, was accepted by Owen according to the record received from the United States Postal Service.

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

21. On October 15, 2014, the Insurance Division mailed a motion for entry of default judgment to Owen's address of record.

22. Owen has not filed any response to the motion for entry of default judgment.

Conclusions of Law

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

24. 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). Owen has not filed an answer and has not resisted the Division's motion for default judgment.

25. Under Owen's consent to service of process, Owen was properly served as required by 191 IAC 3.5(1). Owen certified, under penalty of perjury, that all the

information submitted in her Application was true and complete including his current address.

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

27. Owen provided incorrect, misleading, incomplete, or materially untrue information in the licensure application in violation of Iowa Code § 522B.11(1)(a) (2013).

28. Owen lacks the requisite character and competence to receive a license as an insurance producer in violation of Iowa Code § 522B.5 (2013).

29. The violation of Iowa Code Chapter 522B and applicable rules is grounds for the refusal to issue an insurance producer license pursuant to Iowa Code § 522B.11 (2013).

30. This hearing procedure was governed by Iowa Code §§ 17A.12, 522B.5, 522B.11; and 191 IAC Ch. 3.

ORDER

IT IS HEREBY ORDERED that Stephenie L. Owen is in Default.

IT IS FURTHER ORDERED that an order upholding the Division's decision to refuse to issue an insurance producer license is entered against Stephenie L. Owen. The Insurance Division shall take any steps necessary to implement this decision.

Dated this 27 date of October, 2014.



NICK GERHART
Commissioner of Insurance

NOTICE

A default decision becomes final agency action 15 days from the date of 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.