



BEFORE THE IOWA INSURANCE COMMISSIONER

IN THE MATTER OF
MICHAEL R.VOLTS

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DIVISION FILE NO.: 84452

**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 June 20, 2012, Respondent Michael R. Volts ("Volts") 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, Volts designated the Commissioner as an agent for service of process.
3. Volts was issued his non-resident insurance producer license from the State of Iowa on June 20, 2012 and was assigned national producer number 4647629.
4. As a licensed insurance producer, Volts is required to keep his address current. Volts' last recorded address in his license record is 2150 S. Andrews Avenue, Fort Lauderdale, FL 33316-3432.

5. On March 3, 2014, the Division sent an email to Volts notifying him that the Division had received information that the state of Delaware had revoked his nonresident producer license and of his failure to report this administrative action taken against him within 30 calendar days of the final disposition of an administrative action pursuant to Iowa Code § 522B.16 (2013) and Iowa Administrative Rule 191-10.13. Volts was informed that his Iowa record had been blocked until the matter was resolved and that failure to respond may result in administrative action.
6. On June 12, 2014, the Division sent a letter to Volts requesting he provide information concerning the revocation of his nonresident insurance producer license in the state of Louisiana and notifying him of his failure to report this administrative action taken against him within 30 calendar days of the final disposition of an administrative action pursuant to Iowa Code § 522B.16 (2013) and Iowa Administrative Rule 191-10.13. A written response to the letter was required on or before June 27, 2014, but as of the date of this filing Volts has not responded.
7. On June 3, 2014, the Division was notified that Volts had his nonresident producer license revoked by the state of Arkansas. To date, Volts has not reported to the Division these administrative actions taken by Delaware, Louisiana and Arkansas.
8. On August 13, 2014, the Division filed a statement of charges against Volts.
9. Pursuant to Volts' consent to service of process, the Commissioner was served with the statement of charges on August 25, 2014. The Commissioner issued a Notice of Hearing scheduling a contested case for November 12, 2014.
10. The Commissioner mailed notification of the statement of charges and the notice of hearing to the last known address provided by Volts in his licensing record.

11. On September 5, 2014, the Commissioner's restricted certified mailing, containing the Notice of Hearing and Statement of Charges, sent to Volts' last known home mailing address was returned indicating that it had been signed by someone other than Volts.

12. On September 30, 2014, a First Amended Statement of Charges was mailed by first class mail at his last known mailing address in accordance with Iowa Administrative Rule 191-3.5(1)(a).

13. On October 30, 2014, the Insurance Division mailed a motion for entry of default judgment to Volts' address of record.

14. Volts has not filed any response to the motion for entry of default judgment.

Conclusions of Law

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

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

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

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

19. Volts failed to notify the Division within thirty days of an address change as required by Iowa Administrative Rule 191-10.12(2).
20. Volts failed to report to the commissioner administrative actions taken against him in other jurisdictions within thirty days of the final disposition of the matters in violation of Iowa Code § 522B.16 (2013) and Iowa Administrative Rule 191-10.13.
21. Volts failed or refused to cooperate in an investigation by the Division in violation of Iowa Code § 522B.11(1)(p) (2013).
21. Volts failed or refused to respond to inquiries from the commissioner within thirty days of the receipt of the inquiry in violation of Iowa Code § 507B.4A (2013).
22. The violation of Iowa Code Chapters 507B and 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 §§ 507B.4A, 507B.6, 507B.7, 522B.11, 522B.16 and 522B.17.
23. This hearing procedure was governed by Iowa Code §§ 17A.12, 507B.4A, 507B.6, 507B.7, 522B.11 and 522B.17; and 191 IAC Ch. 3.

ORDER

IT IS HEREBY ORDERED that Michael R. Volts is in Default.

IT IS FURTHER ORDERED that an order of revocation is entered against Michael R. Volts 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 Michael R. Volts 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 Michael R. Volts shall pay to the State of Iowa, Insurance Division, a civil penalty in the amount of \$1,000.

Dated this 12 date of November, 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.