

BEFORE THE IOWA INSURANCE COMMISSIONER

IN THE MATTER OF)	
)	Division No. 91410
BENNY R. GARDINER)	
NPN 16192311)	ORDER REINSTATING LICENSE
DOB 03/13/XXXX)	AFTER SUSPENSION
)	
Respondent.)	

Pursuant to Iowa Code chapter 522B and 191 IAC 10.10, this matter comes before the Commissioner of Insurance upon an application by Benny R. Gardiner for the reinstatement of his Iowa insurance producer license.

I. PARTIES AND JURISDICTION

1. The Commissioner of Insurance, Nick Gerhart, directly and through his designees, administers and enforces the provisions of Iowa Code § 505.8 and the Iowa Licensing of Insurance Producers Act, chapter 522B.

2. Benny R. Gardiner (“Gardiner”) is an individual with a last known mailing address of Northwestern Mutual, 4601 Westown Pkwy., Ste. 342, West Des Moines, IA 50266-1081 and a national producer number of 16192311.

3. Gardiner has filed an application with the Iowa Insurance Division (“Division”) for reinstatement of his suspended license and the Commissioner is authorized to issue this Order pursuant to 191 IAC 10.10.

II. FINDINGS OF FACT

4. Gardiner is licensed as a resident insurance producer in the State of Iowa.

5. Gardiner submitted an application for individual insurance producer license on April 7, 2011 in which the Commissioner was designated as agent for service of process.

6. On June 17, 2016, the Division mailed Gardiner notification of the intent to issue a suspension of his license if the Iowa Department of Revenue (“IDR”) did not withdraw the Certificate of Noncompliance within 60 days.

7. On August 18, 2016, an order was issued by the Division immediately suspending Gardiner’s insurance producer license (“Suspension Order”). Gardiner was also notified that the Division’s reinstatement of the producer license was contingent upon IDR withdrawing the Certificate of Noncompliance.

8. IDR withdrew the Certificate of Noncompliance on August 19, 2016.

9. On August 19, 2016, Gardiner filed an application for reinstatement after suspension of his insurance producer license as required by 191 IAC 10.10.

10. As Gardiner has complied with the Suspension Order and filed the necessary reinstatement application, an order of reinstatement of his Iowa insurance producer license should be issued.

III. CONCLUSIONS OF LAW

11. Iowa Code §522B.11(1) authorizes a range of disciplinary actions for insurance producers, including suspensions, but the imposition and duration of suspensions, is within the discretion of the Commissioner.

12. Gardiner is in compliance with the conditions of the Suspension Order issued on August 18, 2016 and has filed the required application of reinstatement. An order of reinstatement should be issued pursuant to 191 IAC 10.10.

IV. ORDERS

IT IS THEREFORE ORDERED that:

A. The Suspension Order issued on August 18, 2016 is hereby vacated and the Iowa resident insurance producer license of Gardiner is reinstated; and

B. Gardiner shall immediately be permitted to transact and participate in the business of insurance in Iowa.

IT IS FURTHER ORDERED that, pursuant to Iowa Code § 505.8(10), the one hundred dollar (\$100) payment made with the application for reinstatement shall be paid to the Iowa Insurance Division settlement fund established for recovery of expenses and costs related to investigations and other proceedings.

Dated this 19th day of August, 2016.

COMMISSIONER OF INSURANCE



Douglas M. Ommen
Deputy Commissioner


Dustin J. DeGroot
Compliance Attorney

8/19/16
Date

AFFIDAVIT OF SERVICE

County of Polk)
)
State of Iowa)

The undersigned affiant certifies under penalty of perjury that he has entered the above order into the records of the Iowa Commissioner of Insurance and on the 22nd day of August, 2016, the foregoing order was delivered to the United States Postal Service, postage prepaid, for first class mail and also for certified mail service, return receipt requested; to:

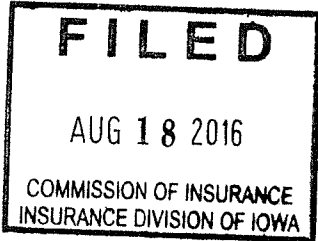
Benny R. Gardiner
Northwestern Mutual
4601 Westown Pkwy Ste 342
West Des Moines, IA 50266-1081

I further certify that the foregoing order was sent by email to:

benny.gardiner@nm.com



Dustin J. DeGroot
Iowa Insurance Division



BEFORE THE IOWA INSURANCE COMMISSIONER

IN THE MATTER OF)	
)	
BENNY R. GARDINER)	Division No. 91410
NPN 16192311)	
CRD# 5904431)	ORDER FOR SUSPENSION
DOB 3/13/XXXX)	
)	
Respondent.)	
)	

This matter comes before the Iowa Insurance Commissioner upon submission of a Certificate of Noncompliance from the Iowa Department of Revenue (“Revenue”). **Benny R. Gardiner** (“Respondent”) submitted an application for insurance producer licensure and an application for securities agent registration in which the commissioner was designated as Respondent’s agent for service of process. Under Iowa Code section 272D.8 and Iowa Administrative Code, rules 191–10.23 and 191–50.54, the commissioner was required to issue a notice to Respondent advising that the Certificate of Noncompliance was received and that Respondent’s Iowa insurance producer license and securities agent registration would be suspended in 60 days unless Revenue withdrew the Certificate of Noncompliance within those 60 days. The Iowa Insurance Division’s letters notifying Respondent of the intended suspension were sent on June 17, 2016. Therefore, the sixty-day notice period has now passed and Revenue has not withdrawn the Certificate of Noncompliance. The commissioner has authority to order the suspension of the insurance producer license and securities agent registration of Respondent pursuant to Iowa Code section 272D.8 and Iowa Administrative Code, rules 191–10.23 and 191–50.54.

IT IS THEREFORE ORDERED that:

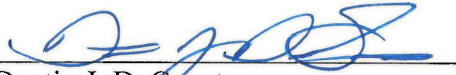
The Iowa insurance producer license and securities agent registration of **Benny R. Gardiner** are suspended as of the date of this Order.

Dated this 18th day of August, 2016.

COMMISSIONER OF INSURANCE



Douglas M. Ommen
Deputy Commissioner



Dustin J. DeGroot
Compliance Attorney

8/18/16
Date

AFFIDAVIT OF SERVICE

County of Polk)
)
State of Iowa)

The undersigned affiant certifies under penalty of perjury that he has entered the above order into the records of the Iowa Commissioner of Insurance and on the 19th day of August, 2016, the foregoing order was delivered to the United States Postal Service, postage prepaid, for first class mail and also for certified mail service, return receipt requested; to:

Benny R. Gardiner
Northwestern Mutual
4601 Westown Pkwy. Ste. 342
West Des Moines, IA 50266-1081

Benjamin R. Gardiner
2614 53rd St.
Des Moines, IA 50310

I further certify that the foregoing order was sent by email to:

benny.gardiner@nm.com



Dustin J. DeGroot
Iowa Insurance Division

CC:
Iowa Department of
Revenue
Attn: License Sanction
PO Box 10330
Des Moines, IA 50306-
0330

By CERTIFIED &
FIRST CLASS MAIL:
Benny R. Gardiner
Northwestern Mutual
4601 Westown Pkwy. Ste.
342
West Des Moines, IA
50266-1081

By CERTIFIED &
FIRST CLASS MAIL:
Benjamin R. Gardiner
2614 53rd St.
Des Moines, IA 50310