

BEFORE THE IOWA INSURANCE COMMISSIONER

IN THE MATTER OF	)	Division Case No. 93576
	)	
KERRY ERTS,	)	<b>ORDER REINSTATING LICENSE</b>
NPN 275873,	)	<b>AFTER SUSPENSION</b>
DOB 12/05/XXXX,	)	
Applicant.	)	

Pursuant to Iowa Code Chapter 522B—Licensing of Insurance Producers and Iowa Administrative Code rule 191—10.10, this matter comes before the Commissioner of Insurance upon an application by Kerry Erts for the reinstatement of his Iowa insurance producer license.

**I. PARTIES AND JURISDICTION**

1. The Commissioner of Insurance, Doug Ommen, directly and through his designees, administers and enforces the provisions of Iowa Code Chapter 522B—Licensing of Insurance Producers and Iowa Administrative Code Chapter 10—Insurance Producer Licenses and Limited Licenses, pursuant to Iowa Code § 505.8.

2. Kerry Erts (“Applicant”) is an individual with a last known mailing address of 1300 Parkway Drive Burlington, IA 52601 and a National Producer Number of 275873.

3. Applicant filed an application with the Iowa Insurance Division (“Division”) for reinstatement of his suspended Iowa insurance producer license.

4. The Commissioner is authorized to issue this Order pursuant to Iowa Administrative Code rule 191—10.10.

**II. FINDINGS OF FACT**

5. Applicant is and has been licensed as a resident insurance producer in the state of Iowa since May 9, 1985. Applicant’s insurance producer license will expire on December 31,

2021. His license was suspended by a consent order entered between the Applicant and the Division on January 10, 2018 (“Consent Order”).

6. Per the terms of the Consent Order, Applicant’s license was suspended for fifteen days, was ordered to pay a civil penalty in the amount of \$3,700.00, and was ordered to pay costs of the investigation and prosecution in the amount of \$1,300.00.

7. The Division received Applicant’s payment of the ordered civil penalty and costs on January 20, 2018.

8. The suspension period has now passed.

9. Applicant submitted an Iowa insurance producer application for reinstatement (“Reinstatement Application”) dated April 6, 2018.

10. The Division reviewed the Reinstatement Application and requested an additional statement in support of reinstatement.

11. Applicant provided additional statements on May 18, 2018 and June 6, 2018 in which he stated that he no longer works in group markets or insurance plans where offenses such as the reason for his suspension can occur; he is no longer affiliated with Two Rivers Insurance Company, Inc. or Employee Benefit Systems; all group insurance he now sells requires a commission disclosure page be provided to the customer; and he has learned from this process and will not engage in insurance violations in the future.

### **III. CONCLUSIONS OF LAW**

12. Iowa Administrative Code rule 191—10.10(2)(a) states that a producer whose license has been suspended by order may apply to the Commissioner for reinstatement of his or her license by filing an application for reinstatement. The applicant shall initiate the proceedings for reinstatement by filing an application for reinstatement with the Commissioner.

13. Iowa Administrative Code rule 191—10.10(2)(b) states that applications for reinstatement must allege facts sufficient to enable the Commissioner to establish that the basis of the suspension no longer exists.

14. Applicant has filed the application for reinstatement required by Iowa Administrative Code rule 191—10.10(2)(a).

15. Applicant is in compliance with the terms of the Consent Order.

16. Applicant has met his burden of establishing that the basis for the suspension no longer exists.

17. Applicant has met all requisites for the issuance of an Iowa resident insurance producer license under Iowa Administrative Code Chapter 10.

#### **IV. ORDER**

**IT IS THEREFORE ORDERED** that:

A. Applicant's Reinstatement Application is granted and his license is hereby reinstated; and

B. Applicant 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 remitted with the Reinstatement Application for administrative costs shall be paid to the Iowa Insurance Division Enforcement Fund to provide funds for insurance enforcement and education.

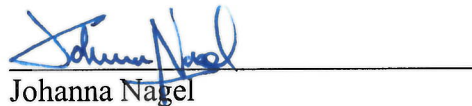
Dated this 6 day of June, 2018.

COMMISSIONER OF INSURANCE



Douglas M. Ommen  
Commissioner of Insurance

Submitted by:



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Iowa Insurance Division  
Compliance Attorney  
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(515) 725-1255

6-6-18  
Date


CERTIFICATE OF SERVICE

County of Polk            )  
                                          ) ss  
State of Iowa            )

The undersigned affiant certifies under penalty of perjury that she has entered the above order into the records of the Iowa Commissioner of Insurance and on the 12<sup>th</sup> day of June, 2018, the foregoing order was delivered to the United States Postal Service, postage prepaid, for first class mail to:

Kerry Erts  
1300 Parkway Drive  
Burlington, IA 52601

I further certify that the foregoing order was sent by email to:  
[kerts@benefitmgmtsolutions.com](mailto:kerts@benefitmgmtsolutions.com). 6/11/18

  
Hilary Foster  
Iowa Insurance Division