

BEFORE THE IOWA INSURANCE COMMISSIONER

IN THE MATTER OF	)	Division Case No. 95616
	)	
ANTHONY FITZ,	)	<b>ORDER AND</b>
NPN 18317684,	)	<b>CONSENT TO ORDER</b>
DOB 07/01/XXXX,	)	
	)	
Respondent.	)	

NOW THEREFORE, upon motion of the Iowa Insurance Division (“Division”) and by the consent of Respondent Anthony Fitz, pursuant to the provisions of Iowa Code Chapter 522B—Licensing of Insurance Producers, the Commissioner enters the following Consent Order (“Order”):

**I. PARTIES AND JURISDICTION**

1. The Commissioner of Insurance, Doug Ommen, directly and through his designees, administers and enforces Iowa Code Chapter 522B—Licensing of Insurance Producers pursuant to Iowa Code § 505.8.
2. Anthony Fitz (“Respondent”) is an individual with a last-known residence address of 809 6<sup>th</sup> Ave NE, Independence, IA 50644.
3. Respondent is and has been licensed in the state of Iowa as a resident insurance producer since February 10, 2017. He is licensed under National Producer Number 18317684.
4. Pursuant to Iowa Code § 505.28, Respondent has consented to the jurisdiction of the Commissioner of Insurance by committing acts governed by chapters 522B.
5. From on or about February 17, 2017 to present, Respondent has engaged in acts and practices within the state of Iowa constituting cause for probation, suspension, or revocation of his insurance producer license; cease and desist orders; and civil penalties or other relief under Iowa Code Chapter 522B and rules adopted pursuant to this chapter.

## II. FINDINGS OF FACT

6. Respondent applied for a resident insurance producer license with the Division by submitting through the National Insurance Producer Registry a Uniform Application for Individual Producer License (“Uniform Application”). In submitting the Uniform Application, Respondent designated the Commissioner as an agent for service of process.
7. The Division issued Respondent a license as an insurance producer on February 10, 2017 and assigned to him National Producer Number 18317684.
8. According to Respondent’s producer licensing record with the Division, Respondent’s residence address is 809 6<sup>th</sup> Ave. NE, Independence, IA 50644.
9. On February 17, 2017, Respondent visited the Black Hawk County Jail and represented to members of the Black Hawk County Sheriff’s Office (“BHCSO”) that he was licensed to write surety bonds and was appointed with Continental Heritage Insurance Company (“Continental Heritage”). At the time, Respondent was not appointed with Continental Heritage.
10. During the visit, while officials at the BHCSO were confirming Respondent’s authority to post surety bonds, Respondent abruptly left the premises prior to the BHCSO completing their research into Respondent’s qualifications.
11. After leaving the BHCSO, Respondent immediately completed an application to be appointed as a producer with Continental Heritage.

## CONCLUSIONS OF LAW

### COUNT ONE

#### Dishonest Practices and Demonstration of Untrustworthiness

12. The Division re-alleges and incorporates by reference paragraphs 1-12 above as though fully set forth herein.

13. Under Iowa Code § 522B.11(1)(h), a person is prohibited from “from using fraudulent, coercive, or dishonest practices, or demonstrating incompetence, untrustworthiness, or financial irresponsibility in the conduct of business in this state or elsewhere.”

14. Respondent represented to members of the BHCSO that he was authorized to issue a surety bond underwritten by Continental Heritage prior to the time that he was appointed with said company.

15. Respondent’s acts and practices have been in violation of Iowa Code § 522B.11(1)(h) subjecting Respondent to suspension or revocation of Respondent’s insurance producer license, to the imposition of a civil penalty, an order requiring Respondent to cease and desist from engaging in such acts or practices, the imposition of costs of the investigation and prosecution of the matter, and any other corrective action the Commissioner deems necessary and appropriate pursuant to Iowa Code §§ 522B.17 and 505.8.

### IV. ORDER

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

- A. Respondent, pursuant to Iowa Code § 522B.17, shall immediately cease and desist from engaging in the acts and practices found herein;
- B. Respondent is further placed on one year probation effective the date of the Commissioner signing this Order; and

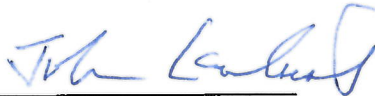
C. Respondent shall pay a civil penalty, in the amount of \$1000.00, payable to the Iowa Insurance Division, to be credited to the Iowa Enforcement Fund, to provide funds for insurance enforcement and education pursuant to Iowa Code §§ 505.8 and 507B.7. Respondent shall pay this amount by January 10, 2019.

SO ORDERED on the 4<sup>th</sup> day of October, 2018.



DOUGLAS M. OMMEN  
Iowa Insurance Commissioner

Respectfully submitted,



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Attorney for Iowa Insurance Division

Copy to:  
Mr. James T. Peters  
Peters and Longmuir, PLC  
309 First Street East  
Independence, IA 50644  
Attorney for Respondent

**CERTIFICATE OF SERVICE**

The undersigned certifies that the foregoing instrument was served upon all parties to the above cause, or their attorney, at their respective addresses disclosed on the pleadings on October 5, 2018.

By:  First Class Mail  Personal Service  
 Restricted certified mail, return receipt  Email, by consent  
 Certified mail, return receipt  \_\_\_\_\_

Signature: Hilary Foster  
Hilary Foster

**NOTICE OF PENALTIES FOR WILLFUL VIOLATION OF THIS ORDER**

**YOU ARE NOTIFIED** that acting as an insurance producer, as defined in Iowa Code Chapter 522B, in violation of this Order, is a felony under Iowa Code § 507A.10, subjecting you to punishment of imprisonment, jail, fines, or any combination of custody and fines.

**YOU ARE ALSO NOTIFIED** that if you violate this Order, you may be subject to administrative and civil penalties pursuant to Iowa Code § 522B.17(3). The Commissioner may petition the district court to hold a hearing to enforce the order as certified by the Commissioner. The district court may assess a civil penalty against you in an amount not less than three thousand dollars but not greater than ten thousand dollars for each violation, and may issue further orders as it deems appropriate.

**NOTICE REGARDING REISSUANCE**

Upon entry of this Order, your insurance producer license will become inactive due to revocation. While your license is inactive, you are prohibited from conducting the business of insurance. Your license will not be active until the Division makes the determination to reissue your insurance producer license by order pursuant to Iowa Administrative Code 191—10.10.

Reissuance of your insurance producer license is subject to the discretion of the Commissioner. Additionally, it will not be granted unless and until you have complied with the terms of this Order, made the appropriate Application for Reissuance with the Division, and paid all applicable fees. If applicable, you may also be required to apply for licensure through the National Insurance Producer Registry (NIPR) and pay all applicable fees.

**NOTICE REGARDING IMPACT OF ORDER ON EXISTING LICENSES**

A final order of license revocation or a cease and desist order may adversely affect other existing business or professional licenses and result in license revocation or disciplinary action.

**CONSENT TO ORDER AND AGREEMENT**

I, Anthony Fitz, Respondent in this matter, 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 further understand that this Order is considered a final administrative action that may be reported by the Division to the National Association of Insurance Commissioners and to other regulatory agencies. I also understand that this Order is a public record under Iowa Code Chapter 22, which will be disclosed to other state regulatory authorities, upon request, pursuant to Iowa Code § 505.8(8)(d). I also understand that this Order will be posted to the Division's website and a notation will be made to the publicly available website record that administrative action has been taken against me.

  
\_\_\_\_\_  
Anthony Fitz, Respondent

Dated: 10/3/2018

809 6th Ave NE Independence IA 50644  
Address of Signatory

Subscribed and sworn before me by Anthony Fitz on this 3 day of October, 2018.



Sharon D. Smock  
Notary Public for the State of Iowa