

BEFORE THE IOWA INSURANCE COMMISSIONER

IN THE MATTER OF)	Division Case No. 95617
)	
DAWN M. BURROUGHS,)	ORDER AND
NPN 8863910,)	CONSENT TO ORDER
DOB 01/17/XXXX,)	
)	
Respondent.)	

NOW THEREFORE, upon motion of the Iowa Insurance Division (“Division”) and by the consent of Respondent Dawn M. Burroughs, pursuant to the provisions of Iowa Code Chapter 507B—Iowa Trade Practices and 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, Douglas M. Ommen, directly and through his designees, administers and enforces Iowa Code Chapter 507B—Iowa Trade Practices and Iowa Code Chapter 522B—Licensing of Insurance Producers pursuant to Iowa Code § 505.8.
2. Dawn M. Burroughs (“Respondent”) is an individual with a last-known residence address of 1524 Iowa River., New Albin, IA 52610-7540.
3. Respondent was licensed in the state of Iowa as a resident insurance producer from July 25, 2006 through January 31, 2018. She was licensed under National Producer Number 8863910.
4. Pursuant to Iowa Code § 505.28, Respondent has consented to the jurisdiction of the Commissioner of Insurance by committing acts governed by chapters 507B and 522B.
5. From January 20, 2015 to January, 2018, Respondent engaged in acts and practices within the state of Iowa constituting cause for probation, suspension, or revocation of her resident

insurance producer license; cease and desist orders; and civil penalties or other relief under Iowa Code Chapters 507B and 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 July 24, 2006 and assigned to her National Producer Number 8863910.

8. According to Respondent’s producer licensing record with the Division, Respondent’s residence address is 1524 Iowa River Dr., New Albin, IA 52160-7540.

9. Consumer R.M. gave Respondent the funds to pay their premium in full for an auto/farm/home policy with Travelers

10. Respondent did not submit these funds to Travelers but made partial payments to Travelers for Consumer R.M.’s policy from her business account and on August 1, 2015 and September 9, 2015 from her personal account.

11. Respondent made a partial payment on Consumer R.M.’s policy by sending a personal money order dated September 16, 2015 to Travelers but it was returned stop pay. This caused Consumer R.M. to receive a notice of cancellation from Travelers.

12. Respondent admitted in an interview with a Division investigator to paying the premiums for Consumer R.M.’s policy on an installment or partial basis even though Consumer R.M. had paid Respondent for the full annual premium.

13. Based on a referral from Rain and Hail, an Iowa crop insurer, the Risk Management Agency (“RMA”) of the United States Department of Agriculture investigated the book of business that Respondent submitted to them for crop insurance.

14. The RMA was able to determine through this investigation that there were unauthorized signatures on seven production reports, seven acreage reports, an APH transfer form, a Beginning Farmer and Rancher form, an FCS APH form and one application. There was no indication on the documents that Respondent was signing on behalf of the insureds.

15. Respondent admitted to a Division investigator that she had signed the documents related to the crop insurance policies and was responsible for the unauthorized signatures.

III. CONCLUSIONS OF LAW

COUNT ONE **FORGING NAMES TO INSURANCE APPLCIATIONS**

16. Under Iowa Code § 522B.11(1)(j) a person is prohibited from “ forging another’s name to an application of insurance or any document related to an insurance transaction.”

17. Respondent forged the signatures of numerous crop insurance insureds to various insurance related documents regarding their purchase of and policy changes to their crop insurance policies by signing the names of the insureds without their authorization to the documents.

18. Respondent’s acts and practices have been in violation of Iowa Code § 522B.11(1)(j) 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.11, 522B.17 and 505.8.

19. Under Iowa Code § 522B.11(5), any penalty or remedy authorized by Chapter 522 may be imposed even if the person's license has lapsed by operation of law.

COUNT TWO
MISREPRESENTATION ON INSURANCE APPLICATION

20. Under Iowa Code § 507B.4(3)(n), a person is prohibited from "making false or fraudulent statements or representations on or relative to an application for an insurance policy, for the purpose of obtaining a fee, commission, money, or other benefit from an insurer, agent, broker or individual."

21. Respondent made false or fraudulent statements or representations on an application by signing an insured's name to an application without the insured's knowledge or authorization.

22. Respondent's acts and practices have been in violation of Iowa Code § 507B.4(3)(n) subjecting Respondent to suspension or revocation of Respondent's insurance producer license, to imposition of a civil penalty, an order requiring Respondent to cease and desist from engaging in such acts or practices, the imposition of the costs of the investigation and prosecution of the matter, and any other corrective action the Commissioner deems necessary and appropriate pursuant to Iowa Code §§ 507B.7 and 505.8.

23. Under Iowa Code § 522B.11(5), any penalty or remedy authorized by Chapter 507B may be imposed even if the person's license has lapsed by operation of law.

COUNT THREE
IMPROPERLY WITHHOLDING, MISAPPROPRIATING OR CONVERTING
MONEYS

24. Under Iowa Code § 522B.11(1)(d), a person is prohibited from “improperly withholding, misappropriating, or converting moneys or properties received in the course of doing business.”

25. Respondent withheld, misappropriated or converted moneys from Consumer R.M. by receiving a premium payment in full from the client and then not submitting the full premium payment amount to the insurance carrier.

26. Respondent’s acts and practices have been in violation of Iowa Code § 522B.11(1)(d) 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 the 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.11, 522B.17 and 505.8.

27. Under Iowa Code § 522B.11(5), any penalty or remedy authorized by Chapter 522B may be imposed even if the person’s license has lapsed by operation of law.

IV. ORDER

WHEREFORE, IT IS ORDERED pursuant to the powers granted to the Commissioner of Insurance by Iowa Code Chapters 507B and 522B:

- A. Respondent’s Iowa resident insurance producer license is immediately revoked pursuant to Iowa Code §§ 507B.7 and 522B.11;
- B. Respondent, pursuant to Iowa Code §§ 507B.7 and 522B.17, shall immediately cease and desist from engaging in the business of insurance in this state; and

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, Dawn M. Burroughs, 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.

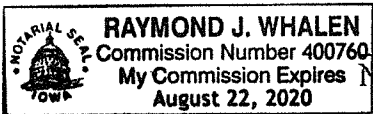
I further understand that this Order is considered a final administrative action that may be reported by the Division to the National Association of Insurance Commissioners and to other regulatory agencies. I also understand that this Order is a public record under Iowa Code Chapter 22, which will be 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.

Dated: 11-13-18

Dawn M Burroughs
Dawn M. Burroughs, Respondent

1524 IOWA RIVER DR NEW ALBION IA 52160
Address of Signatory

Subscribed and sworn before me by Dawn M. Burroughs on this 13 day of November, 2018.



Raymond J Whalen
Notary Public for the State of Iowa