

Iowa Department of Inspections and Appeals
Division of Administrative Hearings
Wallace State Office Building
Des Moines, Iowa 50319

In the Matter of:)	
)	No. 19IID0002
TIME INSURANCE COMPANY II)	
(f/k/a TIME INSURANCE COMPANY))	
)	
NAIC # 69477)	
)	DEFAULT ORDER
Respondent)	

On March 19, 2019, the Iowa Insurance Division (Division) filed a Statement of Charges against Respondent Time Insurance Company II alleging it had failed to comply with the minimum capital and surplus requirement under Iowa law. The Division requested an order suspending the Certificate of Authority of Respondent and other sanctions and costs deemed just and appropriate.

The Notice of Hearing was sent to Respondent via restricted certified mail on March 26, 2019. The Notice was delivered on March 29, 2019. To date, Respondent has not filed any answer to the Notice of Hearing and Statement of Charges. On May 3, 2019, the Division filed a Motion for Entry of Default Judgment Pursuant to Iowa Administrative Rule 191-3.22. In the motion, the Division requested that a default judgment be entered and that an order be entered against Respondent suspending its Certificate of Authority and imposing a \$500 civil penalty.

Hearing in this matter was scheduled to take place on June 24, 2019. The Notice of Hearing provided instructions for the parties to call in and participate by telephone. Attorney Robert Koppin called in to participate on behalf of the Division. No representative from Respondent called in to participate.

DISCUSSION

Under the Division's rules, a default decision may be entered if a party fails to appear or participate in a contested case proceeding after proper service of notice.¹ Additionally, a default decision may be entered if a party fails to file an answer within 20 days of service of the notice of hearing.² A default decision may award any relief consistent with the request for relief made in the petition, notice of hearing, or charging document and embraced in its issues.³

Respondent received proper service of the notice of hearing and failed to file an answer or appear on the date and time set for hearing. Under these circumstances, an entry of default is appropriate.

¹ 191 Iowa Administrative Code (IAC) 3.22(1).

² 191 IAC 3.5(2)(j), 3.5(3), 3.22(2).

³ 191 IAC 3.22(9).

ORDER

The Division's request for entry of a default judgment is granted on the basis of Respondent's failure to file an answer and appear for the hearing. Respondent Time Insurance Company II's Certificate of Authority is **SUSPENDED**. Respondent Time Insurance Company II is assessed a \$500 civil penalty. The decision shall take effect immediately, subject to a request for stay under Iowa Admin. Code r. 191-3.29.⁴ The Division shall take any steps necessary to implement this decision.

Dated this 25th day of June, 2019.



Laura E. Lockard
Administrative Law Judge

cc: Robert Koppin, IID (by electronic mail)
Jonathan Todd Feldman, President, Time Insurance Company II (by restricted certified mail and first class mail)

NOTICE

A default decision becomes final agency action unless, within 15 days after the date of notification or mailing of the decision, a motion to vacate is filed and served on all parties. A motion to vacate must state all facts relied upon by the moving party which establish that good cause existed for the party's failure to appear or participate at the contested case proceeding. Each fact must be substantiated by at least one sworn affidavit of a person with personal knowledge of the fact and the affidavit must be attached to the motion.⁵

⁴ 191 IAC 3.22(10).

⁵ 191 IAC 3.22(3).