



BEFORE THE IOWA INSURANCE COMMISSIONER

IN THE MATTER OF:)	
)	Division File No. 95616
ANTHONY FITZ,)	
)	ORDER OF REVOCATION
Respondent)	AND CIVIL PENALTIES
)	

NOW THEREFORE, the Commissioner convened a hearing on the Order to Show Cause issued on July 16, 2019. The Division appeared by Compliance Attorney John Leonhart. The Respondent, Anthony Fitz (“Fitz”) did not appear. After being fully advised in the premises, the Commissioner issues the following findings of fact, conclusions of law and orders:

PROCEDURAL BACKGROUND

1. The Division’s statement of charges was filed in this case on July 31, 2018 against Anthony Fitz (“Fitz”) and the notice of hearing was issued and mailed on October 4, 2018.
2. A final order by consent was entered on October 4, 2018, prohibiting the Respondent from certain conduct, imposing terms of probation and ordering the payment of a \$1,000 civil penalty by January 10, 2019 (“October 2018 Order”).
3. The civil penalty payment under the October 2018 Order was due and owing on January 10, 2019 and remains unsatisfied.
4. An order to show cause was issued by the Commissioner on July 16, 2019 and Fitz received notification of the order by certified mail delivery to Fitz on July 19, 2019.

FINDINGS OF FACT

5. Fitz did not pay the \$1,000 civil penalty due on January 10, 2019, and has not paid it as of the date of this decision.

6. Fitz has willfully violated the October 2018 Order by nonpayment for 217 days. Each day constitutes a separate act and violation of the monetary order in the October 2018 Order. Each day also constitutes separate violations of Fitz' probation under the terms of that order.

7. We find that Fitz' non-payment, non-responsiveness, and failure to appear in this enforcement action demonstrate his violations are in willful disobedience of an order of the Commissioner and further, demonstrate his unfitness for licensure as an insurance producer.

CONCLUSIONS OF LAW

8. The relief available to Commissioner for failures to obey his orders issued pursuant to Iowa Code § 507B.7 is found specifically in Iowa Code § 507B.7(4), which provides:

Any person who violates a cease and desist order of the commissioner, and while such order is in effect, may, after notice and hearing and upon order of the commissioner, be subject at the discretion of the commissioner to any one or more of the following:

- a. A monetary penalty of not more than ten thousand dollars for each and every act or violation. A penalty collected under this lettered paragraph shall be deposited as provided in section 505.7.
- b. Suspension or revocation of such person's license.

9. We conclude that the maximum civil penalties authorized under Iowa Code § 507B.7 for Fitz' violations in this action are well over \$2,000,000.

ORDER

THEREFORE, after consideration of the Division's motion, the pleadings, the evidence and the law, and upon the Commissioner findings that Fitz willfully violated the October 2018 Order and his one year probation under that order:

IT IS HEREBY ORDERED that Anthony Fitz' Iowa resident insurance producer license shall be revoked effective on August 16, 2019 pursuant to Iowa Code §§ 507B.7, 522B.17 and 522B.11.

IT IS FURTHER ORDERED that Anthony Fitz shall immediately cease and desist from soliciting, negotiating or selling any insurance in the state of Iowa.

IT IS FURTHER ORDERED that Anthony Fitz shall pay the amount of \$75,000 in civil penalties pursuant to Iowa Code Iowa Code § 507B.7. Payment shall be made payable to the Iowa Insurance Division, to be credited to the Iowa Enforcement Fund to provide funds for insurance enforcement and education.

SO ORDERED on this 16th day of August, 2019.



DOUGLAS M. OMMEN
Commissioner of Insurance

Copies to:

John Leonhart via email, Attorney for the Division

Anthony Fitz
809 6th Avenue NE
Independence, IA 50644
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 August 16, 2019.

By: First Class Mail () Personal Service
 Restricted certified mail, return receipt () Email
 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 additional 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

When this Order becomes final, 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 OF FINAL ORDER IMPACT

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

A final order in an administrative action does not resolve any potential criminal or civil violations or causes of action that might arise from the same or similar conduct that is the subject of this order. It may result in criminal law enforcement authorities, including the fraud bureau of the Iowa Insurance Division, pursuing a criminal investigation or prosecution of potential criminal law violations.