

FILED

OCT 29 2019

COMMISSION OF INSURANCE
INSURANCE DIVISION OF IOWA

BEFORE THE IOWA INSURANCE COMMISSIONER

IN THE MATTER OF)	Division Case No. 103375
)	
CURTIS E. FETT,)	ORDER AND
NPN 273341,)	CONSENT TO ORDER
DOB 10/05/XXXX,)	
)	
Respondent.)	

NOW THEREFORE, upon motion of the Iowa Insurance Division (“Division”) and by the consent of Respondent Curtis E. Fett, 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, Douglas M. Ommen, directly and through his designees, administers and enforces Iowa Code Chapter 522B—Licensing of Insurance Producers pursuant to Iowa Code § 505.8.
2. Curtis E. Fett (“Fett”) is an individual with a last-known address of Newton Correctional Facility, P.O. Box 218, 307 S. 60th Avenue West, Newton, IA 50208.
3. Fett has been licensed in the state of Iowa as a resident insurance producer since October 22, 1982. He is licensed under National Producer Number 273341.
4. Pursuant to Iowa Code § 505.28, Fett has consented to the jurisdiction of the Commissioner of Insurance by committing acts governed by chapter 522B.
5. From July 2, 2017 to August 21, 2019, Fett engaged in acts and practices within the state of Iowa constituting cause for probation, suspension, or revocation of his resident 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. Fett 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, Fett designated the Commissioner as an agent for service of process.
7. The Division issued Fett a license as an insurance producer on October 22, 1982 and assigned to him National Producer Number 273341.
8. Fett last renewed his license on November 1, 2016 and it will expire on October 31, 2019.
9. According to Fett’s producer licensing record with the Division, Fett’s residence address is 2200 SE Willow Brook Drive, Waukee, IA 50263.
10. Fett is currently residing at the Newton Correctional Facility, P.O. Box 218, 307 S. 60th Avenue West, Newton, IA 50208.
11. On June 2, 2017, Fett entered a plea of guilty to one count of sexual abuse in the third degree, a class “C” felony and one count of incest, a class “D” felony in the Iowa District Court for Dallas County. As a result of his pleas, Fett was sentenced to incarceration for a period of ten years with credit for time served.
12. At no time prior to July 2, 2017, which is thirty days after his guilty pleas on June 2, 2017, did Fett report his criminal prosecution or convictions to the Division.
13. On or about August 21, 2019, The Division received a letter from Fett. In the letter, Fett informed the Division of his criminal convictions and made inquiry regarding the status of his insurance producer license.

III. CONCLUSIONS OF LAW

COUNT ONE

FAILURE TO TIMELY REPORT CRIMINAL PROSECUTION TO THE DIVISION

14. Under Iowa Code § 522B.16(2), “ within thirty days of the initial pretrial hearing date, an insurance producer shall report to the commissioner any criminal prosecution of the insurance producer taken in any jurisdiction.”

15. Fett failed to report to the Division his criminal prosecution and convictions within thirty days of his guilty pleas.

16. Fett’s acts and practices have been in violation of Iowa Code § 522B.16(2)) subjecting Fett to suspension or revocation of Fett’s insurance producer license, to the imposition of a civil penalty, an order requiring Fett 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.

COUNT TWO

CONVICTION OF FELONIES

17. Under Iowa Code § 522B.11(1)(f), a person is prohibited from “having been convicted of a felony.”

18. Fett pled guilty to two felonies in the Iowa District Court for Dallas County.

19. Fett’s acts and practices have been in violation of Iowa Code § 522B.11(1)(f) subjecting Fett to suspension or revocation of Fett’s insurance producer license, to the imposition of a civil

penalty, an order requiring Fett 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.

IV. ORDER

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


- A. Fett's Iowa resident insurance producer license is immediately and permanently revoked and Fett is permanently prohibited from engaging in the business of insurance in this state pursuant to Iowa Code §§ 522B.11 and 522B.16;
- B. Fett, pursuant to Iowa Code §522B.17, shall immediately cease and desist from engaging in the business of insurance in this state; and
- C. This order may be enforced under Iowa Code chapter 522B, including but not limited to Iowa Code 522B.17(3), and additionally, by any collection remedies available to the State of Iowa Department of Revenue for unpaid penalties and other ordered monetary amounts.

SO ORDERED on the 29th day of October, 2019.



DOUGLAS M. OMMEN
Iowa Insurance Commissioner

Respectfully submitted,



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Attorney for Iowa Insurance Division

Copy to:
Curtis E. Fett
Newton Correctional Facility
P. O. Box 218
307 S. 60th Avenue West
Newton, IA 50208
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 10/29, 2019.

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, Curtis E. Fett, 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: 10-16-19

Curtis E. Fett
Curtis E. Fett, Respondent

NCF PO Box 218, 307 S. 60th Av-W, Newton, IA 50208
Address of Signatory

Subscribed and sworn before me by Curtis E. Fett on this 16 day of October, 2019.

Vincent Kleckner
Notary Public for the State of Iowa

