

BEFORE THE IOWA INSURANCE COMMISSIONER

IN THE MATTER OF)	
)	Division Case No. 104797
STEPHANIE MILLER,)	
NPN 17862577,)	ORDER AND
DOB 04/02/XXXX,)	CONSENT TO ORDER
)	
Respondent)	

COMES NOW the Iowa Insurance Division (“Division”) and pursuant to the provisions of Iowa Code chapter Iowa Code chapter 522B—Licensing of Insurance Producers states and alleges the following:

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. Stephanie Miller (“Respondent”) is an individual with a last-known mailing address of 300 Delaware Avenue, Suite 2213, Wilmington, DE 19801.
3. Respondent is and has been licensed in the state of Iowa as a nonresident insurance producer since March 24, 2016. She is licensed under National Producer Number 17862577.
4. Pursuant to Iowa Code § 505.28, Respondent has consented to the jurisdiction of the Commissioner of Insurance by committing acts governed by chapter 522B.
5. On or about May 2018 to present, Respondent engaged in acts and practices constituting cause for probation, suspension, or revocation of her insurance producer license; cease and desist orders; restitution; and civil penalties or other relief under Iowa Code chapters 505, 507B, 522B, and rules adopted pursuant to these chapters.

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 nonresident producer license as and assigned to her National Producer Number 17862577 on March 24, 2016.
8. Respondent is the DRLP for Bene Markets. She was previously the DRLP for NBOA in Ohio.
9. Respondent’s nonresident insurance producer license was revoked in California, Washington, Utah, and South Dakota. Respondent did not notify the Commissioner of these actions within 30 days of their final disposition.
10. On November 15, 2018, Respondent’s South Dakota nonresident producer license was revoked for failing to cooperate or respond to the South Dakota Division of Insurance.
11. On March 7, 2019, Washington issued Respondent a fine for failing to report the South Dakota action.
12. On July 11, 2019, Respondent’s nonresident producer license was revoked by Utah for failing to respond promptly to a reasonable written inquiry from the Commissioner, failing to disclose an administrative action taken against her in another jurisdiction, and for refusing to be examined.
13. On October 10, 2019, Respondent’s nonresident license was revoked by Washington for failing to respond to an inquiry from the Insurance Commissioner. The inquiry involved the sale

of health insurance plans being sold over the phone and the refusal of NBOA to provide written information about the plans without prior payment.

14. On October 15, 2019, Respondent's license was revoked by California for failing to report the administrative actions in South Dakota and Washington.

15. Respondent failed to report these actions to the Division with 30 days.

16. Respondent has admitted that she is responsible for tracking the licensing status of employed producers with Bene Markets. Respondent is unable to explain why a producer who is not licensed in the state of Iowa was listed as the agent of record for policies sold to Iowa customers.

17. On or about April 13, 2019, Respondent submitted an insurance application for Consumer GI, a resident of Marshalltown, Iowa. Consumer GI had spoken with an agent who represented that he could not be given a quote without first providing his payment information. Consumer GI never authorized Bene Markets to submit enrollment paperwork in any plan on his behalf.

18. Respondent submitted an application on behalf of Consumer GI to American Workers Insurance Services (hereinafter "AWIS"). Consumer GI did not sign the paperwork that had been submitted on his behalf nor was he aware that it had been submitted.

19. In May 2019, Consumer GI discovered that premiums were being withdrawn from his bank account. Consumer GI never received a policy card or other information regarding the AWIS policy.

20. During an interview with the Division, the Respondent admitted that as a standard practice, Bene Markets does not provide quotes without first obtaining a consumer's payment information.

III. CONCLUSIONS OF LAW

COUNT ONE

Unfair or Deceptive Acts or Practices and Improper Sales Tactics

21. Under Iowa Code § 507B.3, a person is prohibited from engaging in “any trade practice which is defined in this chapter as, or determined pursuant to section 507B.6 to be, an unfair method of competition, or an unfair or deceptive act or practice in the business of insurance.”
22. Under Iowa Administrative Code rule 191 – 15.8(2)(b)(1), “A producer shall not execute a transaction for an insurance customer without authorization to do so.”
23. Respondent submitted an application for Consumer GI without his authorization to do so and without his signature.
24. Respondent’s acts and practices have been in violation of Iowa Code § 507B.3 subjecting Respondent to suspension or revocation of her 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 the 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

Reporting of Actions

25. Under Iowa Code §522B.16m an “insurance producer shall report to the commissioner any administrative action taken against the insurance producer in another jurisdiction or by another governmental agency in this state within thirty days of the final disposition of the matter. This report shall include a copy of the order, consent to the order, and other relevant legal documents.”

26. Respondent has failed to report at least four administrative actions taken against her by state departments of insurance within thirty days of their final disposition.

27. Respondent's acts and practices have been in violation of Iowa Code § 522B.16 subjecting Respondent to suspension or revocation of Respondent's insurance producer license, to the imposition of civil penalties, an order requiring Respondent to cease and desist from engaging in such acts or practices, restitution, 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 §§ 505.8, 507B.7, and 522B.

IV. ORDER

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

A. Respondent's Iowa resident insurance producer license is immediately revoked and Respondent is permanently prohibited from engaging in the business of insurance in this state pursuant to Iowa Code §§ 522B.11 and 522B.17; and

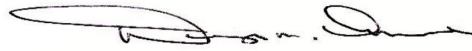
B. Respondent may reapply for a nonresident producer license after a period of five (5) years; and

C. 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.

D. Respondent shall pay to the State of Iowa the costs of investigation and prosecution in this matter in the amount of \$350.00 pursuant to Iowa Code § 505.8.

E. These orders may be enforced under Iowa Code chapters 507B and 522B, including but not limited to Iowa Code §§ 507B.8 and 522B.17(3).

SO ORDERED on the 15th day of April, 2020.



DOUGLAS M. OMMEN
Iowa Insurance Commissioner

Respectfully submitted,

/s/ Andi K. Buffington
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Stephanie.expressbene@gmail.com
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 April 17, 2020.

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 OF FINAL ORDER IMPACT

A final order of license 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 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.

CONSENT TO ORDER AND AGREEMENT

I, Stephanie Miller, 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 this Order is considered a final administrative action that will be reported by the Division to the National Association of Insurance Commissioners and to other regulatory agencies. I also understand this Order is a public record under Iowa Code chapter 22 and information may be shared with other regulatory authorities or governmental agencies, pursuant to Iowa Code § 505.8(8)(d). I also understand 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: 4/14/2020

Stephanie Miller
Stephanie Miller, Respondent

4 S 4th St 3rd Floor Reading PA 19602
Address of Signatory