



BEFORE THE IOWA INSURANCE COMMISSIONER

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IN THE MATTER OF	)	Division Case No. 105532
	)	
VICTOR C. WASHINGTON,	)	<b>ORDER AND CONSENT</b>
NPN 9036899,	)	<b>TO ORDER</b>
DOB 09/15/XXXX,	)	
	)	
Respondent.	)	

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**NOW THEREFORE**, upon motion of the Iowa Insurance Division (“Division”) and by the consent of Respondent Victor C. Washington, pursuant to the provisions of Iowa Code chapter 507B—Insurance Trade Practices, Iowa Code chapter 522B—Licensing of Insurance Producers, and Iowa Administrative Code chapter 10—Insurance Producer Licenses and Limited Licenses, the Commissioner enters the following Order and Consent to Order (“Consent 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—Insurance Trade Practices, Iowa Code chapter 522B—Licensing of Insurance Producers, and Iowa Administrative Code Chapter 10—Insurance Producer Licenses and Limited Licenses pursuant to Iowa Code § 505.8.
2. Victor C. Washington (“Washington”) is an individual with a last-known residence address of 321 NE 1<sup>st</sup> Court, Apt 109, Hallandale Beach, Florida 33009.
3. Washington is and has been licensed in the state of Iowa as a nonresident insurance producer since December 1, 2016. He is licensed under National Producer Number 9036899.
4. Pursuant to Iowa Code § 505.28, Washington has consented to the jurisdiction of the Commissioner of Insurance by committing acts governed by chapters 507B and 522B.
5. From on or about September 16, 2019 to present, Washington engaged in acts and practices within the state of Iowa constituting cause for probation, suspension, or revocation of

his insurance producer license; cease and desist orders; 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. Washington applied for a nonresident 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, Washington designated the Commissioner as an agent for service of process.

7. The Division issued Washington a license as a nonresident insurance producer on December 1, 2016 and assigned to him National Producer Number 9036899.

8. Washington was a contracted producer for American Workers Insurance Services (“AWIS”) during the relevant time period.

### **Consumer Ms. MH**

9. At all times relevant hereto, Ms. MH was a resident of Iowa.

10. On September 16, 2019, Ms. MH filed a complaint with the Division stating that on or about September 16, 2019, she was “scammed” by an insurance producer she identified as Abul Zubair. Ms. MH stated that Zubair enrolled her in a group accidental death and dismemberment policy that she did not want or ask for and that Zubair failed to notify her that \$170 of the monthly premium quoted to her was attributable to coverage for accidental death and dismemberment.

11. Ms. MH discussed health insurance options with Zubair by telephone and was then transferred to another individual, whose name she could not recall, to verify her information and have her sign the application electronically.

12. The enrollment documents were sent to Ms. MH electronically during the telephone call. Upon receiving an enrollment email from AWIS, Ms. MH noticed an unfamiliar product name accounting for \$170 of the total monthly premium. Ms. MH asked the individual what the product was and the individual told her that it was an accidental death and dismemberment policy.

13. Ms. MH told the individual that she never discussed that coverage type with the previous agent, it was not what she wanted, and requested that everything be cancelled immediately.

14. Ms. MH's complaint stated that the individual transferred her back to prior producer (identified by Ms. MH as Zubair). She then repeated her statements that the product was not what they discussed, she did not want an accidental death and dismemberment policy, and she wanted all policies cancelled immediately. The producer was unable to provide any explanation and abruptly disconnected the call without cancelling the policy.

15. Washington is the agent of record on the enrollment paperwork submitted to AWIS on behalf of Ms. MH.

16. Ms. MH quickly contacted her bank to stop payment. A withdrawal from her bank account, in connection with the sale, was attempted the next day and Ms. MH paid a \$30.00 fee to stop the payment.

#### **Division's Communication Attempts with Washington**

17. A Division investigator attempted to contact Washington by telephone, e-mail, and mail to the numbers and addresses found in the Division's producer licensing record, as well as to alternate addresses associated with Washington, in order to schedule an interview to discuss the allegations found in Ms. MH's complaint.

18. From at least September 19, 2018 until the date of this filing, the business and mailing address listed in the Division's licensing record for Washington was 5310 NW 33<sup>rd</sup> Avenue, Suite 103, Fort Lauderdale, Florida 33309. Certified mail sent to Washington at this address on February 20, 2020 was successfully delivered on February 24, 2020.

19. From approximately December 1, 2016 until December 2, 2019, the residence address listed in the Division's licensing record for Washington was 4168 Inverrary Boulevard, Apt 206, Lauderdale, Florida 33319. However, certified mail sent on October 11, 2019 to this address was returned to the Division as unclaimed.

20. On December 3, 2019, Washington's licensing record was updated to list a new residence address of 321 NE 1<sup>st</sup> Street, Apt 109, Hallandale Beach, Florida 33009. Mailings sent to this address by certified and first-class mail on November 20, 2019 and February 20, 2020 have not been returned to the Division.

21. From approximately October 3, 2017 to December 2, 2019, the business telephone number listed in the Division's licensing record for Washington was (754) XXX-7389. The Division's investigator attempted to reach Washington at this number on October 4, 2019 and the telephone call was answered, but Washington was not known at that number.

22. From approximately December 1, 2016 to December 2, 2019, the residence telephone number listed in the Division's licensing record for Washington was (855) XXX-3778. When this number was dialed, a message responded that the number was not set up to receive calls.

23. An investigative search of public records data was conducted to determine if alternate contact information for Washington existed. Attempts to reach Washington at alternate telephone numbers were not successful.

24. On December 3, 2019, Washington's licensing record was updated to list a new business telephone number of (754) XXX-2586 and a new residence telephone number of (954) XXX-1651. When the Division's investigator called the updated business number and asked for Washington, the investigator was informed that Washington was not known at that number. On February 26, 2020, the Division's investigator left a voicemail on Washington's updated residential telephone number asking to schedule an interview. Washington never returned the telephone call.

25. The Division investigator sent e-mails on October 4, 2019, October 11, 2019, and February 20, 2020 to the e-mail addresses listed in the Division's licensing record for Washington in order to arrange a time to conduct an interview regarding the transaction involving Ms. MH. The e-mails were not returned to the Division as undeliverable.

26. On February 24, 2020, Washington sent an e-mail to the Division from an e-mail address not previously known to the Division, seemingly in response to one of the Division's e-mails or letters. In the e-mail, Washington asked the Division's investigator to let him know the best time to call to conduct the interview. The Division's investigator responded to Washington's e-mail the very next day, suggesting a specific date and time to conduct the interview. Washington never responded to the Division's e-mail to confirm or schedule an alternate interview time, nor did he respond to a follow-up telephone call by the investigator.

27. The following chart summarizes the Division investigator's attempts to communicate with Washington:

ADDRESS	SOURCE	MAILING METHOD AND DATE	DELIVERY STATUS
<u>Enrollmentcenter101@gmail.com</u>	Division Licensing Record for Washington	▪ E-Mail: 10-4-19 10-11-19	E-mails dated 10-4-19 and 10-11-19 were not returned.
<u>gpshealthgroup@gmail.com</u>	Updated Division Licensing Record for Washington	▪ E-Mail: 2-20-20	E-mail dated 2-20-20 was not returned.
<u>Victorwashington777@gmail.com</u>	Washington	▪ E-Mail: 2-25-20	Washington sent e-mail dated 2-24-20 to the Division, but did not respond to the Division's reply sent on 2-25-20.
4168 Inverrary Blvd, Apt 206 Lauderhill, FL 33319	Division Licensing Record for Washington	▪ Certified Mail: 10-11-19	Returned to Division as Unclaimed.
321 NE 1 <sup>st</sup> Ct, Apt 109 Hallandale Beach, FL 33009	Public records data and Updated Division Licensing Record for Washington	▪ Certified Mail: 11-20-19  ▪ First Class Mail: 2-20-20	Not Returned to Division.  Not Returned to Division.
5310 NW 33 <sup>rd</sup> Ave, Suite 103 Fort Lauderdale, FL 33309	Division Licensing Record for Washington	▪ Certified Mail: 2-20-20	Delivered to address on 2-24-20.
(754) XXX-7389	Division Licensing Record for Washington	▪ Business Telephone: 10-4-19	Call was answered by "Atlantic Capital" but Washington is not known at that number.

(855) XXX-3778	Division Licensing Record for Washington	▪ Residence Telephone: 10-4-19	“Not set up to receive calls.”
(954) XXX-0514	Public records data	▪ Telephone: 11-20-19	Man answered and said wrong number.
(954) XXX-1651	Public records data and Updated Division Licensing Record for Washington	▪ Telephone: 11-20-19  ▪ Updated Residence Telephone: 2-26-20	No answer and unable to leave a voicemail because mailbox was full.  Left voicemail.
(954) XXX-2108	Public records data	▪ Telephone: 11-20-19	Disconnected number.
(754) XXX-2586	Updated Division Licensing Record for Washington	▪ Updated Business Telephone: 2-19-20	Call was answered by “Enrollment Customer Service” but Washington was not known at that number.

28. Washington failed to timely provide the Division with an updated residence address and valid business telephone numbers within thirty days of the change.

29. The Division’s investigator was unable to get a statement from Washington regarding the allegations in Ms. MH’s complaint due to his failure to respond and cooperate with the Division’s investigation.

## Washington's Uniform Application for Licensure

30. Question 1A of the Uniform Application submitted by Washington included the following question: "Have you ever been convicted of a misdemeanor, had a judgment withheld or deferred, or are you currently charged with committing a misdemeanor?"

31. Question 1B of the Uniform Application submitted by Washington included the following question: "Have you ever been convicted of a felony, had a judgment withheld or deferred, or are you currently charged with committing a felony?"

32. Question 1 of the Uniform Application included the following instruction:

Note: For Questions 1a, 1b and 1c, "Convicted" includes, but is not limited to, having been found guilty by verdict of a judge or jury, having entered a plea of guilty or nolo contendere or no contest, or having been given probation, a suspended sentence, or a fine. If you answer yes to any of these questions, you must attach to this application: (a) a written statement explaining the circumstances of each incident, (b) a copy of the charging document, and (c) a copy of the official document, which demonstrates the resolution of the charges or any final judgment.

33. Washington answered "No" to Question 1A of the Uniform Application.

34. Washington answered "No" to Question 1B of the Uniform Application.

35. The Uniform Application represents that Washington, as applicant, provided all of the information submitted on the application and further bears the following attestation:

I hereby certify that, under penalty of perjury, all of the information submitted in this application and attachments is true and complete. I am aware that submitting false information or omitting pertinent or material information in connection with this application is grounds for license revocation or denial of the license and may subject me to civil or criminal penalties.

36. As of December 1, 2016, the time Washington's application for producer licensure in Iowa, Washington had been convicted of a misdemeanor with adjudication withheld and a felony with adjudication withheld in the state of Florida. Washington pleaded nolo contendere to the



misdemeanor of possession of cannabis and was convicted by plea on March 14, 2012.

Washington pleaded nolo contendere to the felony of driving with a revoked license and was convicted by plea on May 19, 2010.

37. Washington did not provide the Division written explanations, charging documents, or copies of final judgments for the misdemeanor or felony convictions as part of his Uniform Application.

### **III. CONCLUSIONS OF LAW**

#### **COUNT ONE**

#### **Failure to Cooperate**

38. Under Iowa Code § 522B.11(1)(p), a license may be subject to probation, suspension, or revocation and civil penalties may be levied, as provided in Iowa Code § 522B.17, for failing or refusing to cooperate in an investigation.

39. Washington failed to cooperate with an investigation by the Division's investigator regarding Ms. MH's complaint.

40. Despite receiving notice that the Division's investigator needed to schedule an interview to discuss the allegations in Ms. MH's complaint, Washington failed to agree to a time to be interviewed or return the Division's telephone call.

41. The Division's investigator began reaching out to Washington in October 2019 by mail, e-mail, and telephone but was unable to obtain a statement from Washington or fully investigate the allegations in Ms. MH's complaint because of Washington's continued refusal to cooperate.

42. Washington's acts and practices have been in violation of Iowa Code § 522B.11(1)(p) subjecting Washington to probation, suspension, or revocation of his insurance producer license, the imposition of a civil penalty, an order requiring Washington 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

#### **Unfair or Deceptive Act or Practice and Providing Incorrect, Misleading, Incomplete, or Materially Untrue Information in an Application for Licensure**

43. Under Iowa Code § 522B.11(1)(a), a license may be subject to probation, suspension, or revocation and civil penalties may be levied, as provided in Iowa Code § 522B.17, for providing incorrect, misleading, incomplete, or materially untrue information in an application for license.

44. 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.”

45. Washington provided incorrect, misleading, incomplete, or materially untrue information in his application for licensure in Iowa when he failed to disclose his misdemeanor and felony convictions and answered “no” to questions 1A and 1B on the Uniform Application.

46. Washington failed to provide written explanations, charging documents, or copies of final judgments for the misdemeanor or felony convictions as part of his Uniform Application.

47. Washington’s conduct described above also violates public policy, had the capacity to mislead the Division, and constitutes engaging in an unfair or deceptive act or practice.

48. Washington’s acts and practices have been in violation of Iowa Code §§ 522B(1)(a) and 507B.3, subjecting Washington to suspension or revocation of his insurance producer license, to the imposition of a civil penalty, an order requiring Washington 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 §§ 505.8, 507B.6, 507B.7, 522B.11, and 522B.17.

**COUNT THREE**  
**Conviction of a Felony**

49. Under Iowa Code § 522B.11(1)(f), an insurance producer's license may be subject to probation, suspension, or revocation and civil penalties may be levied, as provided in Iowa Code § 522B.17, for having been convicted of a felony.

50. Washington pleaded nolo contendere and was convicted of a felony by plea on May 19, 2010.

51. Washington's acts and practices have been in violation of Iowa Code § 522B.11(1)(f), subjecting Washington to probation, suspension, or revocation of his insurance producer license, the imposition of a civil penalty, an order requiring Washington 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.

**IV. ORDER**

**WHEREFORE, IT IS ORDERED** pursuant to the powers granted to the Commissioner of Insurance by Iowa Code chapters 507b AND 522B:

- A. Washington's nonresident insurance producer license is revoked pursuant to Iowa Code §§ 507B.7 and 522B.11;
- B. Washington, pursuant to Iowa Code §§ 507B.7 and 522B.17, shall immediately cease and desist from engaging in the business of insurance in this state;
- C. Washington shall pay a civil penalty in the amount of \$3,000.00, made payable to the Iowa Insurance Division, to be credited to the Iowa Enforcement Fund, to provide funds for insurance enforcement and education pursuant to Iowa Code §§ 505.8, 507B.7, 522B.11, and 522B.17;

- D. Washington shall pay the amount of \$1,000.00 for costs of investigation and proceeding pursuant to Iowa Code § 505.8. 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; and
- E. Washington shall make the payments ordered in paragraphs C and D above as follows:

Within ten (10) days of this Consent Order, Washington shall remit payment to the Division in the amount of \$500.00; and beginning on July 15, 2020, Washington shall make seven (7) consecutive monthly payments of \$500.00 each to the Division, due on the fifteenth day of each month.

- F. 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), and additionally, by any collection remedies available to the State of Iowa Department of Revenue for unpaid penalties and other ordered monetary amount.

SO ORDERED on the 1<sup>st</sup> day of June, 2020.



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DOUGLAS M. OMMEN  
Iowa Insurance Commissioner

Respectfully submitted,

/s/ Johanna Nagel  
Johanna Nagel  
Iowa Insurance Division  
Two Ruan Center  
601 Locust St. – 4<sup>th</sup> Floor

Des Moines, Iowa 50309-3738  
Phone: (515) 725-1255  
**Attorney for the Iowa Insurance Division**

Copy to:  
Victor Washington  
321 NE 1<sup>st</sup> Ct, Apt 109  
Hallandale Beach, FL 33009  
[victorwashington777@gmail.com](mailto:victorwashington777@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 June 1, 2020.

By:  First Class Mail (6/3/2020)  Personal Service  
 Restricted certified mail, return receipt  Email, by consent (6/1/20)  
 Certified mail, return receipt  \_\_\_\_\_

Signature: /s/ 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 rule 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 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, Victor C. Washington, 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 right 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.

05/09/2020  
Date

*Victor C. Washington*  
Victor C. Washington, Respondent

321 N. 2 4<sup>th</sup> St Apt 109  
HALLANDALE BEACH, FL 33009

Address of Signatory

Subscribed and sworn before me by Victor C. Washington on this 29 day of May, 2020.

*Carole Anne Alfano*  
Notary Public for the State of Florida

*CAROLE ANNE ALFANO*

