

BEFORE THE IOWA INSURANCE COMMISSIONER

IN THE MATTER OF)	Division Case No. 105053
)	
ABUL ZUBAIR,)	ORDER AND CONSENT
NPN 18790661,)	TO ORDER
DOB 11/15/XXXX,)	
)	
Respondent.)	

NOW THEREFORE, upon motion of the Iowa Insurance Division (“Division”) and by the consent of Respondent Abul Zubair, pursuant to the provisions of 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 522B—Licensing of Insurance Producers and Iowa Administrative Code chapter 10—Insurance Producer Licenses and Limited Licenses pursuant to Iowa Code § 505.8.
2. Abul Zubair (“Zubair”) is an individual with a last-known residence address of 1100 Park Central Boulevard S, Suite 2600, Pompano Beach, FL 33064.
3. Zubair is and has been licensed in the state of Iowa as a nonresident insurance producer since April 16, 2019. He is licensed under National Producer Number 18790661.
4. Pursuant to Iowa Code § 505.28, Respondent consented to the jurisdiction of the Commissioner of Insurance by committing acts governed by chapter 522B.
5. From on or about September 16, 2019 to present, Zubair 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. Zubair 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, Zubair designated the Commissioner as an agent for service of process.

7. The Division issued Zubair a license as a nonresident insurance producer on April 16, 2019 and assigned to him National Producer Number 18790661.

Consumer Ms. MH

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

9. 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.

10. 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.

11. The enrollment documents were sent to Ms. MH electronically during the telephone call. Upon receiving an enrollment email from American Workers Insurance Services (“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.

12. 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.

13. 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.

14. 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 Zubair

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

16. The residence, business, and mailing address listed in the Division's licensing record for Zubair is 1100 Park Central Boulevard South, Suite 2600, Pompano Beach, Florida 33064. Certified mail sent to Zubair at this address on October 11, 2019 was not returned to the Division. The mail tracking system has not been updated since October 13, 2019, at which time tracking indicated that the certified mailing was in Florida and in transit to the next USPS facility.

17. Telephone calls to the numbers listed in the Division's licensing record for Zubair were connected. The individual answering the number Zubair provided as his business telephone number stated that Zubair was not known at that number. This business telephone number is the telephone number for the business located at the 1100 Park Central address listed as Zubair's residence, mailing, and business address in the Division's licensing record. The telephone call to the number Zubair provided for his residence telephone number also connected, but the party answering the Division's call was silent.

18. On October 4, 2019, the Division investigator sent an e-mail to the e-mail address listed in the Division's licensing record to arrange a time to conduct an interview regarding the transaction involving Ms. MH. The email was not returned as undeliverable and Zubair never responded. One week later, on October 11, 2019, a second e-mail was sent to this address. This second e-mail was immediately returned, stating that the e-mail address did not exist.

19. An investigative search of public records data was conducted to determine if alternative contact information for Zubair existed. An additional mailing address and two different telephone numbers were discovered. Certified mail sent to the alternate address was returned as "not known-unable to forward" and Zubair could not be reached at either telephone number.

20. Zubair failed to respond to any of the Division's e-mails or letters sent in October and November of 2019.

21. On February 19, 2020, the Division again attempted to reach Zubair telephonically. The Division investigator left a voicemail and Zubair returned the call that same day. During the telephone call, Zubair denied knowledge of Ms. MH and of ever submitting business through AWIS. Zubair quickly attempted to terminate the telephone call, stating that he wanted to speak with his supervisor and check with human resources to see if his employer had a recording of the

sale. The Division investigator emphasized that Zubair still needed to be interviewed and that an interview must be scheduled within a week.

22. Additionally, during this call, the Division investigator advised Zubair that the Division had been attempting to contact him for several months using the contact information found in his producer licensing record, but had been unsuccessful. In response, Zubair stated that he did not recognize the business telephone number found in his licensing record, but that it might be a customer service number. Zubair was informed of a producer’s obligation to provide correct contact information and the need to update his information through NIPR.

23. Zubair failed to contact the Division to schedule the requested interview, nor did he provide any information from his employer relevant to Ms. MH’s complaint.

24. The following chart summarizes the Division investigator’s attempts to communicate with Zubair:

ADDRESS	SOURCE	MAILING METHOD AND DATE	DELIVERY STATUS
<u>Millsteamplans@gmail.com</u>	Division Licensing Record for Zubair	<ul style="list-style-type: none"> ▪ E-Mail: 10-4-19 10-11-19 	<p>E-mail dated 10-4-19 was not returned.</p> <p>Notice of delivery failure received for e-mail sent on 10-11-19, stating that the e-mail address does not exist.</p>
1100 Park Central Blvd S, Suite 2600 Pompano Beach, FL 33064	Division Licensing Record for Zubair	<ul style="list-style-type: none"> ▪ Certified Mail: 10-11-19 	Not Returned to Division
500 Fairway Dr., Suite 206 Deerfield Beach, FL 33441	Public records data	<ul style="list-style-type: none"> ▪ Certified Mail: 11-20-19 	Returned to Division, Not Known – Unable to Forward
(754) XXX-2586	Division Licensing	<ul style="list-style-type: none"> ▪ Business Telephone: 	Call was answered by “Customer Service” but

	Record for Zubair	10-4-19	Zubair was not known at that number.
(609) XXX-3040	Division Licensing Record for Zubair	▪ Residence Telephone: 10-4-19 2-19-20	Call was answered, but other party was silent and non-responsive. Voicemail was left and Zubair returned call that day.
(609) XXX-1439	Public records data	▪ Telephone: 11-20-19	No answer and voicemail box full.
(973) XXX-3000	Public records data	▪ Telephone: 11-20-19	New Jersey Institute of Technology, Zubair not listed in directory.

25. Zubair has not provided the Division directly, or through NIPR, with updated residence, business, and mailing addresses; e-mail addresses; or telephone numbers.

III. CONCLUSIONS OF LAW

COUNT ONE

Failure to Cooperate

26. 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.

27. Zubair failed to cooperate the Division’s investigation of Ms. MH’s complaint.

28. Once Zubair was finally reached by telephone, he attempted to end the telephone call as quickly as possible by asserting that he wanted to speak with his supervisor and check for any recorded calls. Instead of providing a detailed interview, he indicated that he would get back to the Division to schedule an interview time within a week. Zubair failed to schedule an interview with the Division’s investigator despite being advised of the need to discuss Ms. MH’s complaint and Zubair failed to provide the Division with any additional information relating to the complaint.

29. Zubair failed to provide updated contact information despite being informed by the Division investigator that he was unable to contact Zubair using the address, e-mail, and business telephone information found in Zubair's licensing record in order to discuss the allegations in Ms. MH's complaint. Zubair's failure to provide correct contact information has made it difficult to obtain sufficient information regarding the Division's investigation of Ms. MH's complaint.

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

31. Under Iowa Code § 522B.6(7) and Iowa Administrative Code rule 10.12(2), a licensee shall inform the Commissioner of a change of address within thirty days of the change.

32. The address provided by Zubair and recorded in his producer licensing record for residence, mailing, and business is 1100 Park Central Blvd S., Suite 2600, Pompano Beach, FL 33064-2218.

33. The business and individual e-mail address provided by Zubair and recorded in his producer licensing record is millsteamplans@gmail.com. An e-mail sent to this address was returned to the Division as "address not found." The business phone number provided by Zubair and recorded in his producer licensing record is (754) XXX-2586. On October 4, 2019, Zubair was not known at this telephone number.

34. Zubair did not respond to the Division's letter sent to the address specified in paragraph 34, there is no proof that Zubair signed for the certified mailing, and when the Division investigator called the telephone number associated with the business located at that mailing address, no one by the name Abul Zubair was known.

35. Zubair's failure to inform the Commissioner of a change in address is a violation of Iowa Code § 522B.6(7) and Iowa Administrative Code rule 10.12(2), subjecting Zubair to a penalty, 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.17, 507B.7, 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. Zubair's nonresident insurance producer license is immediately suspended for six months pursuant to Iowa Code § 522B.11;
- B. Zubair shall provide the Division's Producer Licensing Bureau with his current residence, mailing, and work addresses; personal telephone number; and email address within five days of this Order;
- C. Zubair, pursuant to Iowa Code §§ 507B.7 and 522B.17, shall immediately cease and desist engaging in the acts or practices found herein;
- D. Zubair shall, within five days of this Order, pay a civil penalty in the amount of \$2,000.00, 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; and

- E. Zubair shall, within five days of this Order, pay the amount of \$3,000.00 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.
- 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 25th day of June, 2020.



DOUGLAS M. OMMEN
Iowa Insurance Commissioner

Respectfully submitted,

/s/ Johanna Nagel
Johanna Nagel
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ATTORNEY FOR 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 25, 2020.

By: First Class Mail Personal Service
 Restricted certified mail, return receipt Email, by consent
 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 REINSTATEMENT

Upon entry of this Order, your insurance producer license will become inactive due to suspension. 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 reinstate your insurance producer license by order pursuant to Iowa Administrative Code rule 191—10.10.

Reinstatement 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 Reinstatement 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, Abul Zubair, 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.

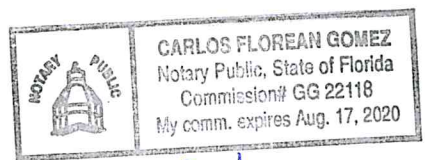
6/24/2020
Date

[Signature]
Abul Zubair, Respondent

41701 N Federal Hwy STE 435 Pompano Beach FL, 33064
Address of Signatory

Subscribed and sworn before me by Abul Zubair on this 24th day of June, 2020.

[Signature]
Notary Public for the State of Florida



ver. FL/DL.