

BEFORE THE IOWA INSURANCE COMMISSIONER

IN THE MATTER OF	)	Division Case No. 106524
JAVIER VASQUEZ,	)	
NPN 19258587,	)	<b>ORDER AND CONSENT</b>
DOB 2/2/XXXX,	)	<b>TO ORDER</b>
Respondent.	)	

**NOW THEREFORE**, upon motion of the Iowa Insurance Division (“Division”) and by consent of Respondent Javier Vasquez, and pursuant to the provisions of Iowa Code chapter 522B—Licensing of Insurance Producers, 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 522B—Licensing of Insurance Producers, pursuant to Iowa Code § 505.8.
2. Javier Vasquez (“Respondent”) is an individual with a last-known residence address of 2108 S. Rural Rd., Apt 25, Tempe, AZ 85282.
3. Respondent was licensed as a non-resident insurance producer in Iowa on October 4, 2019, and assigned National Producer Number 19258587.
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. Respondent knowingly and voluntarily enters into this Order. Respondent neither admits nor denies the findings of fact and conclusions of law found herein.

## II. FINDINGS OF FACT

6. Respondent applied for a non-resident insurance producer license with the Division by submitting through the Iowa Uniform Application for Individual License (“Uniform Application”). In submitting the Uniform Application, Respondent designated the Commissioner as an agent for service of process.
7. Respondent is a non-resident insurance producer in the state of Iowa. Respondent is domiciled and holds a resident insurance producer license with the state of Arizona.
8. Respondent was appointed as an agent with Spring Insurance Solutions LLC (“Spring”), doing business as United Medicare Advisors, on July 9, 2019. Spring holds a non-resident business entity producer license in Iowa under National Producer Number 15687033. Spring is domiciled in the state of Missouri with its principle place of business located at 120 W 12<sup>th</sup> St., Suite 1700, Kansas City, MO 64105.
9. On May 6, 2020, Iowa consumer DH contacted the Division and alleged that Respondent had enrolled her in a Medicare supplemental insurance plan without her permission.
10. The Division’s investigation found that DH had been enrolled in a Medicare supplemental plan G and a dental and vision plan through Aetna on May 1, 2020.
11. The sale of the Aetna plans by Respondent occurred over the phone with DH on May 1, 2020.
12. On the two calls that took place on May 1, 2020, DH stated she was a federal retiree and wanted to enroll in a plan called Aetna Direct, which DH stated her friend was enrolled in.
13. Respondent indicated to DH that she would be issued Aetna directly.
14. When Respondent stated to DH that he would be sending in applications for Aetna for her, DH told Respondent that her card better say Aetna Direct.

15. The Division's investigation determined that the distinction between Aetna Direct and other supplemental plans is material for a federal retiree such as DH. Aetna Direct is a benefit for federal retirees and not available to the general insurance market. Further, the difference for DH between the two plans was significant in regards to monthly premiums, out of pocket costs, prescription drugs costs, and vision and dental costs.

16. On May 5, 2020, DH called and made a complaint with Spring regarding the actions of Respondent.

17. In an interview with a Division investigator, Respondent denied that DH was seeking guidance on any specific plan, and further admitted that he did not know what Aetna Direct was. Respondent stated he was not aware of a federal retiree program, and thought DH just wanted to be signed up with Aetna.

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

#### **COUNT I**

#### **Demonstrating Incompetence**

18. The Commissioner may place on probation, suspend, revoke, or refuse to issue or renew an insurance producer's license or may levy a civil penalty as provided in section 522B.17 for using fraudulent, coercive, or dishonest practices, or demonstrating incompetence, untrustworthiness, or financial irresponsibility in the conduct of business in this state or elsewhere pursuant to Iowa Code § 522B.11(h).

19. On the May 1, 2019, phone call DH made statements that she was a federal retiree and wanted to be enrolled in a plan for federal retirees. Respondent was unaware of Aetna Direct and the specific benefits it would provide DH. Respondent should not have enrolled DH in a plan without first determining what Aetna Direct was or what other information he might need to better inform DH.

20. Respondent had a duty to DH to make sure he was enrolling her in a plan best suited for her specific situation. Respondent demonstrated incompetence by not investigating further DH's status as a federal retiree and what benefits she was entitled to. Respondent could have contacted Aetna to discuss this issue or contacted the Division to gather more information to ensure he was providing the consumer the most accurate information on the products available to her.

21. Respondent's acts and practices are in violation of Iowa Code § 522B.11(h), subjecting Respondent to suspension or revocation of Respondent's insurance producer license, to the imposition of a civil penalty, an order requiring Respondent to cease and desist from engaging in such practices, the imposition of costs of the investigation, pursuant to Iowa Code §§ 522B.17 and 505.8.

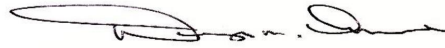
#### **IV. ORDER**

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

- A. Respondent's Iowa non-resident insurance producer license is suspended for a term of one year pursuant to Iowa Code §§ 522B.11 and 522B.17.
- B. Respondent, pursuant to Iowa Code §§ 507B.7 and 522B, shall immediately cease and desist from engaging in the business of insurance in the state of Iowa.
- C. Respondent shall, within 30 days of this Order, pay the amount of \$ 1,000.00, for costs of investigation and prosecution 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.
- D. 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 amounts.

SO ORDERED on the 9th day of April, 2021.



DOUGLAS M. OMMEN  
Iowa Insurance Commissioner

Respectfully submitted,

/s/ Adam J. Kenworthy

Adam J. Kenworthy  
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**Attorney for Iowa Insurance Division**

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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 April 9, 2021.

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

**NOTICE REGARDING REINSTATEMENT**

Upon entry of this Order, your insurance producer license will become inactive due to suspension or 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.

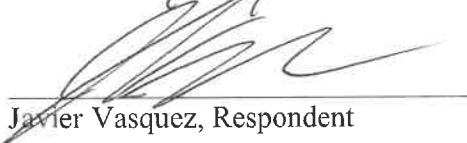
Reissuance of your insurance producer license is subject to the discretion of the Commissioner. Additionally, it will not be granted unless and until you have complied with the terms of this Order, made the appropriate Application for Reissuance with the Division, retest, and

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. See Iowa Administrative Code rule 191—10.10.

**CONSENT TO ORDER AND AGREEMENT**


I, Javier Vasquez, have read, understood, and do knowingly consent to this Order in its entirety. **By executing this Consent Order, I understand that I am knowingly and affirmatively waiving my rights to a contested case hearing pursuant to Iowa Code § 17A, 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: 3/23/2021  
  
Javier Vasquez, Respondent

2108 S. Rural Rd Tempe, AZ 85282  
Address of Signatory

Subscribed and sworn before me by Javier Vasquez on this 23 day of March, 2021.

  
Notary Public for the State of ARIZONA

