



6. From on or about September 21, 2018, to present, McGuire 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 and 522B and rules adopted pursuant to these chapters.

## **II. FINDINGS OF FACT**

7. McGuire applied for a resident insurance producer license with the Division and the Division issued McGuire a license as an insurance producer on June 12, 1982, and assigned to him National Producer Number 127431.

8. McGuire renewed his resident insurance producer with the Division on May 29, 2018, by submitting an application for renewal through the National Insurance Producer Registry. In submitting this renewal application, McGuire designated the Commissioner as an agent for service of process.

### **MN State Criminal Charges**

9. On October 5, 2018, a Complaint was filed in criminal case number 34-CR-18-976 in Minnesota District Court, Kandiyohi County. McGuire was charged with one count of Stalking—Pattern of Stalking Conduct, a felony; one count of Stalking by Following, Monitoring, or Pursuing Another, a gross misdemeanor; and one count of Harassment—Violating a Restraining Order, a misdemeanor.

10. A pretrial hearing was held in case number 34-CR-18-976 on or about June 13, 2019.

11. On or about September 21, 2018, a Complaint was filed in criminal case number 34-CR-18-914 in Minnesota District Court, Kandiyohi County. McGuire was charged with Count One—Aggravated Stalking by False Impersonation, a felony, and Count Two—Violation of a Harassment Restraining Order, a misdemeanor.

12. On October 16, 2019, an Amended Complaint was filed in criminal case number 34-CR-18-914. The Amended Complaint contained 91 counts. McGuire was charged with one count of Stalking by False Impersonation, a felony; numerous counts of Harassment—Violating a Restraining Order, misdemeanors; numerous counts of Nonconsensual Dissemination of Private Sexual Images, felonies; and numerous counts of Nonconsensual Dissemination of Private Sexual Images, gross misdemeanors.

13. A pre-trial hearing was held in case number 34-CR-18-914 on or about November 28, 2018.

14. On October 25, 2019, the county prosecutor dismissed the charges in case number 34-CR-18-976 because the charges were incorporated into case number 34-CR-18-914.

15. The trial in case number 34-CR-18-914 has not yet been held.

16. McGuire did not notify the Division of his criminal prosecution within 30 days of the pretrial hearing in case number 34-CR-18-976 and has not done so as of the date of this filing.

17. McGuire did not notify the Division of his criminal prosecution within 30 days of the pretrial hearing in case number 34-CR-18-914 and has not done so as of the date of this filing.

#### **Federal Criminal Charges**

18. On or about December 3, 2019, McGuire was indicted in the United States District Court for the Northern District of Iowa, case number 19-CR-2075. A superseding indictment was filed on January 8, 2020, on four counts of Interstate Stalking and four counts of Cyberstalking.

19. On December 5, 2019, a hearing was held for McGuire's initial appearance and arraignment. The final pretrial conference was held on February 17, 2021.

20. On February 19, 2021, McGuire pled guilty to Counts 2 (Cyberstalking), 6 (Cyberstalking), 7 (Cyberstalking), and 8 (Cyberstalking) of the Superseding Indictment and indicated that these offenses were factually supported.
21. On February 19, 2021, the court entered an order accepting McGuire's guilty plea and finding that there was a factual basis for each plea and that McGuire was guilty of each crime to which he pled guilty.
22. The maximum sentence that may be imposed is 20 years in prison, a supervised release of up to 3 years following prison, and a fine of up to \$1,000,000. McGuire's sentencing hearing has not yet occurred.
23. McGuire did not notify the Division of his criminal prosecution within 30 days of the pretrial hearing and has not done so as of the date of this filing.
24. McGuire did not notify the Division of his felony conviction within 30 days of the order accepting his guilty plea. Nor has McGuire provided the Division with written explanations, charging documents, or copies of final judgments for the felony convictions.

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

#### **COUNT ONE Failure to Report**

25. Under Iowa Code § 522B.11(1)(b), a license may be subject to probation, suspension, or revocation and civil penalties may be levied, as provided in Iowa Code § 522B.17, for violating any insurance laws, or violating any regulation, subpoena, or order of the Commissioner.
26. Iowa Code § 522B.16(2) provides:
- ...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. The report shall include a copy of the initial complaint filed, the order resulting from the hearing, and any other relevant legal documents.

27. McGuire failed to report his two criminal prosecutions in Minnesota within 30 days and has not reported either action as of the date of this filing.

28. McGuire failed to report his criminal prosecution in the Northern District of Iowa within 30 days of his initial pretrial hearing date. Furthermore, McGuire has not reported his felony conviction as of the date of this filing.

29. McGuire's acts and practices have been in violation of Iowa Code § 522B.16, subjecting McGuire to suspension or revocation of his insurance producer license, to the imposition of a civil penalty, an order requiring McGuire 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, 522B.11, 522B.17, and Iowa Administrative Code rule 191—10.20(5).

**COUNT TWO**  
**Conviction of a Felony**

30. 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.

31. McGuire pled guilty to four felonies and was adjudged guilty of Counts 2, 6, 7, and 8 of the Superseding Indictment on February 19, 2021.

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

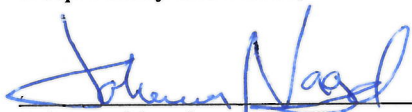
- A. McGuire's resident insurance producer license is immediately and permanently revoked and McGuire is permanently prohibited from engaging in the business of insurance in this state pursuant to Iowa Code §§ 522B.11 and 522B.17; and
- B. McGuire, pursuant to Iowa Code § 522B.17, shall immediately cease and desist from engaging in the business of insurance in this state.
- C. This order may be enforced under Iowa Code chapter 522B, including but not limited to Iowa Code 522B.17(3).

SO ORDERED on the 13<sup>th</sup> day of August, 2021.



DOUGLAS M. OMMEN  
Iowa Insurance Commissioner

Respectfully submitted,



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Iowa Insurance Division  
1963 Bell Avenue, Suite 100  
Des Moines, Iowa 50315  
Phone: (515) 654-6563



### **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 contested case/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, Michael S. McGuire, 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.

7-23-2021  
Date

Michael S. McGuire  
Michael S. McGuire, Respondent

P.O. Box 600 Cedar Rapids, Ia. 52401-0600  
Address of Signatory