

BEFORE THE IOWA INSURANCE COMMISSIONER

IN THE MATTER OF)	
)	Division Case No. 109979
VENDONN L. SIMMONS, JR.,)	
NPN 17516053,)	
DOB 12/21/XXXX,)	ORDER AND CONSENT
)	TO ORDER—MATTHEW
MATTHEW C. RUSSELL,)	RUSSELL
NPN 19457583,)	
DOB 6/17/XXXX,)	
and)	
)	
SIMMONS GLOBAL, LLC d/b/a)	
VALOR INSURANCE,)	
Respondents.)	

NOW THEREFORE, upon the motion of the Iowa Insurance Division (“Division”) and by the consent of Matthew C. Russell, 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 Ommen, directly and through his designees, administers and enforces Iowa Code chapter 522B—Licensing of Insurance Producers, pursuant to Iowa Code § 505.8.
2. Vendonn L. Simmons (“Simmons”) is an individual with a last-known residence address of 1916 Green Creek Road, Cedar Falls, Iowa 50613.
3. Simmons’ insurance producer license was suspended on March 22, 2021, due to non-compliance with the Iowa Department of Revenue. Simmons has been licensed in the state of Iowa as a resident insurance producer since February 25, 2015. His National Producer Number is 17516053.

4. Matthew C. Russell (“Russell”) is an individual with a last-known residence address of 510 Adrian Street, Waterloo, Iowa 50703.
5. Russell is and has been licensed in the state of Iowa as a resident insurance producer since March 23, 2020. He is licensed under National Producer Number 19457583.
6. Simmons Global, LLC (“Simmons Global”), is a limited liability corporation, organized in the state of Iowa, with a last-known address of 1916 Green Creek Road, Cedar Falls, Iowa 50613.
7. Simmons Global does business as Valor Insurance.
8. Simmons Global is equally co-owned by Simmons and Russell.
9. Pursuant to Iowa Code § 505.28, Respondents have consented to the jurisdiction of the Commissioner of Insurance by committing acts governed by chapter 522B.
10. From on or about January 1, 2021 to present, Respondents engaged in acts and practices within the state of Iowa constituting cause for probation, suspension, or revocation of their insurance producer licenses; 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

11. Simmons and Russell applied for resident insurance producer licenses with the Division by submitting through the National Insurance Producer Registry (“NIPR”) Uniform Applications for Individual Licenses (“Uniform Applications”). In submitting the Uniform Applications, Simmons and Russell designated the Commissioner as an agent for service of process.
12. The Division issued Simmons a license as resident insurance producer on February 25, 2015, and assigned to him National Producer Number 17516053.

13. The Division issued Russell a license as resident insurance producer on March 23, 2020, and assigned to him National Producer Number 19457583.
14. On February 9, 2016, Simmons was terminated for cause by Washington National Insurance Company due to suspected fraud and misuse of consumer information.
15. On February 7, 2020, Simmons' insurance producer license was suspended due to non-compliance with the Iowa Department of Human Services.
16. On March 23, 2020, Simmons entered into a contract to be an insurance producer for Greater Midwest Insurance Agency, Inc. doing business as Greater Midwest Transportation ("GMT").
17. Simmons operated the GMT Iowa office out of his home in Cedar Falls, Iowa.
18. Simmons employed Russell to assist him in operating the Cedar Falls office of GMT.
19. On April 14, 2020, Simmons' insurance producer license was reinstated after the Iowa Department of Human Services withdrew its certificate of noncompliance and his application for reinstatement was granted.
20. GMT received a complaint from one of its clients in late February 2021 that the client was having issues communicating with Simmons regarding monthly insurance payments.
21. GMT noticed irregularities in Simmons' clients' accounts and its owner, Mr. T.H. opened an investigation.
22. On March 3, 2021, Simmons' authority to represent GMT as an insurance producer was suspended by GMT due to an investigation into accounts written by him and Russell. The investigation was related to Simmons failing to provide information requested by GMT, failing to provide clients with copies of insurance company quotes, failing to obtain signatures on insurance applications, client complaints, receiving wire transfers for insurance down payments

into his personal bank account, using his personal credit card to make down payments, failing to upload all the down payments received from clients to make insurance down payments, making unauthorized changes by the client, and issuing policies different than quoted to clients.

23. On March 5, 2021, Simmons' insurance producer contract was terminated by GMT for misappropriating policyholders' funds.

24. On March 16, 2021, Simmons submitted an application for a business entity producer license on behalf of Simmons Global. Simmons identified himself as the designated responsible licensed producer ("DRLP") and as a fifty percent co-owner.

25. Simmons Global's business entity producer application was issued on March 17, 2021.

26. On March 22, 2021, Simmons' insurance producer license was again suspended by the Division. His license was suspended due to noncompliance with the Iowa Department of Revenue.

27. On April 5, 2021, Simmons Global's business entity producer license was terminated because Simmons, the DRLP, had his individual producer license suspended on March 22, 2021.

28. On April 6, 2021, the Division a complaint from the owner of GMT, Mr. T.H. related to Simmons' and Russell's conduct as insurance producers.

29. The complaint from Mr. T.H. related to significant unauthorized changes to policies and misappropriation of customer insurance down payments by Simmons.

30. At the time of the complaint, Mr. T.H.'s investigation revealed that Simmons misappropriated down payments from multiple clients totaling more than \$12,927.77.

31. The investigation revealed that Simmons quoted commercial insurance for clients and received wire transfer payments to his personal credit union account from clients who believed the payments were going to be submitted to an insurer for commercial trucking insurance down

payments. Once Simmons received the money from clients he then submitted applications for commercial insurance with lower than quoted liability insurance, lowered the number of vehicles and drivers, and remitted a lower down payment to the insurance company and kept the other portion of the down payment money the clients wired to him.

CONSUMER J.D.

32. Consumer J.D. is an Iowa resident who operates a small trucking company.

33. In January of 2021, Consumer J.D. needed to change his commercial trucking insurance for his company and its drivers.

34. At an unknown date in January, Simmons contacted Consumer J.D. and offered to provide a quote for commercial trucking insurance. Consumer J.D. provided Simmons coverage limits he wanted including \$1,000,000 general commercial liability coverage, \$100,000 cargo insurance, and all information related to his four drivers, four tractors, five trailers, and loss runs.

35. Consumer J.D. only communicated with Simmons regarding the commercial trucking insurance quotes and policies.

36. On January 27, 2021, Simmons provided Consumer J.D. a quote on GMT letterhead identifying "Vendonn" as the salesperson and representing coverage for four drivers, four tractors, and four trailers. The quote for the total annual premium was \$40,054.00 with a down payment of \$11,789.75.

37. The quote Simmons provided Consumer J.D. did not have any documents from any commercial insurance company to support the price quoted.

38. It is a common practice with commercial trucking insurance to pay a down payment of approximately 15, 20, or 25 percent of the annual payment when the policy is issued.

39. Consumer J.D. told Simmons he could not pay the entire \$11,789.75. Simmons asked Consumer J.D. to provide him a \$5,000 down payment.
40. Consumer J.D. believed the lower down payment would result in higher monthly payments for the period he was insured.
41. On February 2, 2021, Consumer J.D. wired \$5,000 through his bank to Simmons's personal credit union account.
42. Consumer J.D. believed the entirety of the \$5,000 would be applied as a down payment for his commercial trucking insurance.
43. On or about February 4, 2021, Simmons, or Russell at Simmons' direction, submitted a commercial trucking application to Progressive Commercial for Consumer J.D. This application only listed one driver, one tractor, one trailer, no cargo insurance, and only \$750,000 general commercial liability coverage. The application submitted quoted the total annual premium of \$8,141.00 and an initial required down payment of \$1,386.27.
44. The application listed the named insured's email as VENDONN@GTMTINS.com. This was Simmons' GMT email address not Consumer J.D.'s email address. Simmons is identified as the agent on the Progressive Commercial application.
45. The application included underwriting questions that Simmons or Russell completed, falsely identifying that Progressive Commercial, through this application, was insuring all of the vehicles Consumer J.D. owned and used in his business.
46. Consumer J.D. never signed any application nor saw the application Simmons and/or Russell submitted on his behalf to Progressive Commercial.
47. On February 4, 2021, Simmons remitted \$1,386.27 from his personal credit union account as a down payment for Consumer J.D.'s Progressive commercial insurance policy.

48. Simmons left the remainder of Consumer J.D.'s money (\$3,613.76) co-mingled in his personal credit union account and spent money out of that account for personal expenses.

49. On February 4 and 8, 2021, Russell contacted Progressive Commercial to request changes to add tractors, trailers, cargo insurance, and general commercial liability coverage to Consumer J.D.'s policy.

50. On February 5, 2021, Simmons contacted Progressive Commercial to change Consumer J.D.'s corporate identity due to an error by Russell or Simmons when they entered in Consumer J.D.'s corporate information into Progressive Commercial's online application.

51. On February 5, 2021, Progressive Commercial contacted Consumer J.D. to ask him if Progressive Commercial could send a Certificate of Liability Insurance ("COI") to one of his brokers. Consumer J.D. was not aware he had commercial insurance through Progressive Commercial.

52. On February 6, 2021, Progressive Commercial issued a policy for Consumer J.D. This policy only had Consumer J.D. listed as a single driver with a single tractor and trailer. This policy did not provide coverage for Consumer J.D.'s three other drivers and their tractors and trailers. This policy only included \$750,000 of general commercial liability coverage and no cargo insurance.

53. Simmons did not contact Consumer J.D. to notify him when the insurance issued, the actual amount of insurance Consumer J.D. had at the time the policy issued, and what company was covering Consumer J.D. and his business. Nor did Simmons advise Consumer J.D. what the monthly payments to Progressive Commercial would be moving forward.

54. Between February 8, 2021, and February 18, 2021, Simmons issued multiple COIs to Consumer J.D.'s load brokers. These COIs represented that Consumer J.D. had a commercial

general liability policy with Progressive in the amount of \$1,000,000, when in fact Consumer J.D. only had \$750,000 of coverage. The COIs also identified that Consumer J.D. had \$100,000 of cargo insurance, when in fact Consumer J.D. did not have any cargo insurance.

55. On February 23, 2021, Progressive Commercial retroactively revised Consumer J.D.'s policy to add \$1,000,000 liability coverage, \$100,000 cargo insurance for one driver (Consumer J.D.), four tractors, and five trailers. The total annual premium amounted to \$47,667.00. This policy still only covered one of Consumer J.D.'s four commercial drivers.

56. At no time did Consumer J.D. authorize Simmons to seek commercial insurance for anything other than all four of his drivers, four tractors, five trailers with \$1,000,000 liability coverage and \$100,000 of cargo insurance.

57. At no time did Consumer J.D. authorize any changes to his commercial insurance policy.

58. Consumer J.D. did not receive any paper copies of his commercial insurance application or policy changes.

59. In mid to late February, Consumer J.D. began having difficulty communicating with Simmons. Simmons rarely returned communications.

60. Also around this time, Consumer J.D. had questions regarding the timing and amount of his payments. Due to Simmons' failure to respond to communication attempts, Consumer J.D. contacted the GMT home office and made inquiry into his commercial insurance policy.

61. At this time GMT management noticed irregularities in Consumer J.D.'s account and began investigating Simmons and Russell.

62. On March 1, 2021, Simmons contacted Progressive Commercial representing that he was the agent on Consumer J.D.'s policy and inquired as to why the premiums on the policy had increased so much.

63. On or about March 5, 2021, GMT used its funds to make payment to Progressive Commercial in the amount of \$3,613.73 towards Consumer J.D.'s insurance policy. GMT made this payment due to it confirming that Simmons' misappropriated this amount of Consumer J.D.'s commercial insurance down payment.

Simmons' Bank Records

64. The Division reviewed Simmons' personal credit union account. In January and February of 2021, Simmons received multiple wire transfers from multiple trucking companies into his personal credit union account. These premium funds were co-mingled with Simmons' personal funds. Simmons failed to submit the total amounts received from the wire transfers to Progressive Commercial Insurance for insurance down payments.

65. On January 29, 2021, Simmons' personal credit union account received an incoming wire transfer from ARD Transport Inc. in the amount of \$6,000.

66. On February 1, 2021, Simmons paid Progressive Commercial \$1,512.95 as a down payment for commercial insurance for ARD Transport Inc.

67. Simmons used \$4,487.05 of ARD Transport Inc.'s money for personal expenses and did not submit these funds to Progressive Commercial Insurance.

68. On February 1, 2021, Simmons' personal credit union account received an incoming wire transfer from TAZ Boys Delivery in the amount of \$13,133.60.

69. On February 2, 2021, Simmons paid Progressive Commercial \$8,237.31 as a down payment for commercial insurance for TAZ Boys Delivery.

70. Simmons used \$4,896.29 of TAZ Boys Delivery's money for personal expenses and did not submit these funds to Progressive Commercial Insurance.

71. On February 2, 2021, Simmons' personal credit union account received an incoming wire transfer from Consumer J.D. in the amount of \$5,000.
72. On February 4, 2021, Simmons paid Progressive Commercial \$1,386.27 for Consumer J.D.'s down payment for commercial insurance.
73. Simmons used \$3,613.73 of Consumer J.D.'s money for personal expenses and did not submit these funds to Progressive Commercial Insurance.
74. On February 5, 2021, Simmons' personal credit union account received an incoming wire transfer from North Star Equipment in the amount of \$7,038.60.
75. On February 8, 2021, Simmons paid Progressive Commercial \$4,000 for North Star Equipment's down payment for commercial insurance.
76. Simmons used \$3,038.60 of North Star Equipment for personal expenses and did not submit these funds to Progressive Commercial Insurance.
77. On February 18, 2021, Simmons personal credit union account received an incoming wire transfer from DAS Transport in the amount of \$5,206.71.
78. On February 21, 2021, Simmons paid Progressive Commercial \$1,524.79 for DAS Transport's down payment for commercial insurance.
79. Simmons used \$3,681.92 of DAS Transport's for personal expenses and did not submit these funds to Progressive Commercial Insurance.
80. In January and February of 2021, Simmons misappropriated \$19,717.59 and used the funds in his account to pay for personal expenses.

Division Interview of Simmons and Russell

81. On May 4, 2021, in an interview with the Division, Simmons admitted he received customer down payments in the form of wire transfers deposited into his personal credit union account.
82. Simmons could not explain why he did not remit the whole amount of Consumer J.D.'s down payment from his personal credit union account to Progressive Commercial insurance.
83. At the time of Simmons' interview with the Division, his insurance producer license had been suspended since March 22, 2021.
84. Simmons represented that he was an insurance agent starting a new company called Valor and that he had multiple employees working for him including Russell.
85. On May 4, 2021, in an interview with the Division, Russell represented that his duties working for Simmons included taking information from phone call leads and sending them to Simmons to develop the leads into clients.
86. Russell admitted to binding policies with Progressive Commercial for a trucking company with only one of its trucks and one of its drivers to get cheaper down payments for the trucking company and then adding the remainder of the drivers, trucks, and tractors soon after the policy was issued.
87. When asked if Progressive Commercial was "OK" with this practice, Russell responded "we did what the clients told us to."
88. Russell admitted to incorrectly answering underwriting questions by stating he would always answer "yes" to questions about insuring all trucks owned by the business, even if only one of a company's trucks was being insured.

89. Russell admitted that, under the direction of Simmons, he told unlicensed staff to bind commercial policies.

90. Russell stated that Simmons handled all of the wire transfers.

91. Russell represented he did not have access to Simmons' credit union account.

III. CONCLUSIONS OF LAW

COUNT ONE

Using Fraudulent, Coercive, or Dishonest Practices or Demonstrating Incompetence or Untrustworthiness

92. Under Iowa Code § 522B.11(1)(h), a producer is prohibited from using fraudulent, coercive, or dishonest practices or demonstrating untrustworthiness or incompetence in the conduct of business.

93. Russell and Simmons used fraudulent, dishonest practices, demonstrated untrustworthiness or incompetence when they submitted an insurance application without providing the actual quote from Progressive Commercial to Consumer J.D.

94. Russell used fraudulent, dishonest practices, demonstrated untrustworthiness or incompetence when he made changes to Consumer J.D.'s commercial insurance policy without authorization to do the same.

95. Russell and Simmons used fraudulent, dishonest practices, demonstrated untrustworthiness or incompetence when they manipulated Progressive Commercial's application process to decrease a customer's initial down payments by only providing a portion of the customer's drivers, tractors, or requested insurance coverage on the commercial insurance application and after issuance of the policy then added additional customer quoted drivers, tractors, trailers, and coverage.

96. Russell and Simmons used fraudulent, dishonest practices, demonstrated untrustworthiness or incompetence when he directed unlicensed staff to bind commercial policies.

97. Russell used fraudulent, dishonest practices, demonstrated untrustworthiness or incompetence when he submitted commercial insurance applications with incorrect answers to underwriting questions.

98. Russell's acts and practices have been in violation of Iowa Code § 522B.11(1)(h), subjecting Russell to probation, suspension, or revocation of Russell's insurance producer license, the imposition of a civil penalty, an order requiring Russell 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 §§ 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. Russell's Iowa resident insurance producer license is revoked and Russell shall immediately cease and desist engaging in the business of insurance in this state pursuant to Iowa Code §§507B.7, 522B.11, and 522B.17;
- B. Russell shall cease and desist from engaging in the acts or practices alleged herein pursuant to Iowa code §§ 507B.7 and 522B.17;
- C. Russell and Simmons are jointly and severally liable for and shall pay \$12,927.77 restitution to Greater Midwest Insurance Agency, Inc., made payable to the Iowa

Insurance Division, to be credited to the Settlement Fund pursuant to Iowa Code § 505.8;

- D. Russell and Simmons are jointly and severally liable for and shall pay a civil penalty in the amount of \$25,000, 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, and 522B.11;
- E. Russell and Simmons are jointly and severally liable for and shall pay costs of investigation and prosecution in the amount of \$3,324.75, 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;
- F. Russell shall make payments to the Division in the amount of \$250 per month with payment due on the 15th of each month beginning on November 15, 2021, in satisfaction of this Order's restitution, civil penalties, and investigative costs. The monthly payments shall be applied to the restitution before the civil penalty and investigative costs. Any late payment under this order of more than 30 days shall cause the unpaid balance to be collected by the state of Iowa, including an action by the Iowa Department of Revenue; and
- G. These orders may be enforced under Iowa Code chapters 505, 507B, and 522B, including but not limited to Iowa Code §§ 507.8 and 522B.17(3).

SO ORDERED on the 30th day of September, 2021.



DOUGLAS M. OMMEN
Iowa Insurance Commissioner

Respectfully submitted,



Lanny Zieman
Iowa Insurance Division
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Des Moines, Iowa 50315
Phone: (515) 654-6564
Lanny.zieman@iid.iowa.gov
ATTORNEY FOR THE DIVISION

Copy to:

Matthew Russell
510 Adrian Street
Waterloo, Iowa 50703-5212

Vendonn Simmons, Jr.
1916 Green Creek Road
Cedar Falls, Iowa 50613

Simmons Global, LLC
1916 Green Creek Road
Cedar Falls, Iowa 50613

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 September 30, 2021.

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 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 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, Matthew C. Russell, 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.

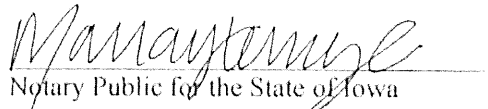
I further understand this Order is considered a final administrative action that will be reported by the Division to the National Association of Insurance Commissioners and to other regulatory agencies. I also understand this Order is a public record under Iowa Code chapter 22 and information may be 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.

Sept 29, 2021
Date


Matthew C. Russell, Respondent

510 Adrian St Waterloo IA, 50703
Address of Signatory

Subscribed and sworn before me by Matthew C. Russell on this 29 day of September, 2021.


Notary Public for the State of Iowa

