

BEFORE THE IOWA INSURANCE COMMISSIONER

IN THE MATTER OF)	Division Case No. 115831
)	
KYLE K. BROSAMLE,)	ORDER AND
NPN 19983963,)	CONSENT TO ORDER
DOB 05/29/XXXX,)	
)	
Respondent.)	

NOW THEREFORE, upon motion of the Iowa Insurance Division (“Division”) and by the consent of Respondent, Kyle Brosamle, 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 Iowa Code chapter 522B—Licensing of Insurance Producers, pursuant to Iowa Code § 505.8.
2. Kyle K. Brosamle (“Brosamle”) is an individual with a last-known residence and mailing address of 1818 Union Avenue, Dow City, Iowa 51528. According to Brosamle’s licensing record, his residence address is 1952 SW Cascade Falls Drive, Ankeny Iowa 50023. However, in response to a request by a Division employee, Brosamle provided his residence address as 1818 Union Avenue, Dow City, Iowa 51528. Brosamle is also registered with the Iowa Sex Offender Registry at the Dow City, Iowa address.
3. Brosamle is and has been licensed in the state of Iowa as a resident insurance producer since July 14, 2021. He is licensed under National Producer Number 19983963.
4. Pursuant to Iowa Code § 505.28, Brosamle consented to the jurisdiction of the Commissioner of Insurance by committing acts governed by chapter 522B.

5. From approximately July 19, 2022 to present, Brosamle 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. Brosamle applied for a resident insurance producer license with the Division by submitting through the National Insurance Producer Registry a Uniform Application for Individual Producer License. In submitting the Uniform Application, Brosamle designated the Commissioner as an agent for service of process.

7. The Division issued Brosamle a license as a resident insurance producer on July 14, 2021, and assigned to him National Producer Number 19983963.

8. On March 11, 2022, Brosamle obtained a Texas resident insurance producer license, listing his residence address as 140 Cypress Station Drive, Houston, Texas 77090.

9. On or about March 25, 2022, Brosamle physically and sexually assaulted his then-partner, D.P., at her residence.

10. On or about March 28, 2022, D.P. confronted Brosamle over the phone. Brosamle made several threats to physically assault her during the call. Shortly after the call, Brosamle came to D.P.'s apartment and demanded that she let him in. She refused. Brosamle beat on the door and made several more threats before leaving the premises. She then notified law enforcement.

11. On or about April 1, 2022, Brosamle hid from law enforcement for a week, using a decoy address as a distraction. After Brosamle was arrested and during his processing and booking, he refused to indicate to law enforcement where he was currently residing.

12. On April 1, 2022, in Iowa Criminal Case No. FECR357965, the State of Iowa filed the following charges against Brosamle in the District Court for Polk County:

- a. Count 1 – Burglary – 1st Degree, a Class B Felony;
- b. Count 2 – Sexual Abuse – 3rd Degree, a Class C Felony;
- c. Count 3 – Willful Injury – Causing Bodily Injury, a Class D Felony;
- d. Count 4 – Domestic Abuse Assault Impeding Air/Blood Flow Causing Bodily Harm, a Class D Felony;
- e. Count 5 – Assault While Participating in a Felony, a Class D Felony;
- f. Count 6 – Harassment, 1st Degree, an Aggravated Misdemeanor;
- g. Count 7 – Stalking, an Aggravated Misdemeanor; and
- h. Count 8 – Criminal Mischief 3rd Degree, an Aggravated Misdemeanor.

13. On April 6, 2022, Brosamle, through counsel, filed a waiver of preliminary hearing.

14. On May 12, 2022, Brosamle, through counsel, filed a written arraignment and entered a plea of not guilty. That same day, the judge entered an order of arraignment setting a trial date of July 11, 2022.

15. Brosamle failed to report the arraignment to the Division after thirty (30) days.

16. On or about July 14, 2022, Brosamle contacted another individual, T.N., without a legitimate purpose to intimidate, annoy or alarm her, in a manner likely to cause her annoyance or harm.

17. On July 19, 2022, in Iowa Criminal Case No. SMAC401194, the State of Iowa charged Brosamle in the District Court for Polk County with one (1) count of Harassment – 3rd Degree, a simple misdemeanor, arising out of his contact with T.N. on or about July 14, 2022.

18. On July 21, 2022, in Case No. FECR357965, Brosamle was convicted the following charges:

- a. Burglary in the Third Degree, a Class C Felony;
- b. Domestic Abuse Assault Impeding Air/Blood Flow Causing Bodily Injury, a Class D Felony;
- c. Harassment – 1st Degree as a Sexually Motivated Offense, an Aggravated Misdemeanor; and
- d. Stalking, an Aggravated Misdemeanor.

19. On August 3, 2022, in Case No. SMAC401194, Brosamle was convicted of one (1) count of Harassment – 3rd Degree, a simple misdemeanor.

20. On August 8, 2022, Brosamle registered himself on the Iowa Sex Offender Registry, pursuant to his sentencing order. He listed his address as 1818 Union Avenue, Dow City, Iowa 51528.

21. Brosamle failed to report his convictions to the Division thirty (30) days after his multiple convictions in Case No. FECR357965.

22. Brosamle failed to report his conviction to the Division thirty (30) days after his simple misdemeanor conviction in Case No. SMAC401194.

23. On September 8, 2022, Brosamle surrendered his Texas resident insurance producer license in lieu of contesting allegations made by the Texas Department of Insurance. Brosamle is currently barred from reapplying for any permit, license, or other authorization from the Commissioner of Insurance for the State of Texas for the next five (5) years.

24. On November 16, 2022, Brosamle emailed the Iowa Insurance Division Producer Licensing Bureau. Brosamle advised the Division of his intention to seek a Minnesota non-

resident insurance producer license. He inquired into whether the Division would allow him to keep his license in light of his criminal convictions. He attached the sentencing order from his July 19 felony convictions, as well as a statement regarding the charges. He did not report the August 3 misdemeanor conviction.

25. An employee of the Division Producer Licensing Bureau reviewed the information supplied by Brosamle and further investigated. That investigation revealed that Brosamle had obtained a Texas resident insurance producer license. The Division employee questioned Brosamle on why he had two resident producer licenses and requested his current residence address.

26. On November 17, 2022, Brosamle responded to the Division employee saying that a potential employer wanted him to get a Texas resident license. Further, he provided a current residence address of 1818 Union Avenue, Dow City, Iowa 51528.

27. Brosamle never reported his August 3 misdemeanor conviction to the Division.

III. CONCLUSIONS OF LAW

COUNT I Felony Convictions

28. Under Iowa Code § 522B.11(1)(f), 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 Iowa Code § 522B.17 for having been convicted of a felony.

29. On July 21, 2022, Brosamle was convicted of two (2) felonies.

30. The conduct giving rise to Brosamle's criminal prosecution included physical and sexual assault, harassment toward the victim, evading law enforcement and refusal to identify his current residence to law enforcement at booking. This conduct is serious, concerning, and demonstrates character averse to the public interest.

31. Brosamle's acts and practices have been in violation of Iowa Code § 522B.11(1)(f), subjecting Brosamle to probation, suspension, or revocation of Brosamle's insurance producer license, the imposition of a civil 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, and 505.8.

COUNT II

Failure to Timely Notify Division of Criminal Convictions

32. Under Iowa Code § 522B.16, and Iowa Administrative Code rule 191—10.13, an insurance producer is required to report any criminal prosecution of the insurance producer in any jurisdiction to the Commissioner within thirty (30) days of the initial pre-trial hearing date.

33. In Case No. FECR357965, Brosamle was arraigned on multiple felony and aggravated misdemeanor counts on May 12, 2022. He was later convicted on two (2) felony counts and two (2) aggravated misdemeanor counts on July 21, 2022. Brosamle failed to notify the Division within thirty (30) days of either of these occurrences.

34. In Case No. SMAC401194, there was no pretrial conference or similar hearing because Brosamle plead guilty before one was scheduled. However, Brosamle was convicted of one (1) simple misdemeanor count on August 3, 2022. Brosamle failed to notify the Division within thirty (30) days of this occurrence.

35. Brosamle did not report the disposition of Case No. FECR357965 to the Division until November 16, 2022, well after the thirty (30) day deadline to report such actions.

36. Brosamle never notified the Division regarding Case No. SMAC401194.

37. Brosamle's failure to timely inform the Commissioner of his criminal convictions is a violation of Iowa Code § 522B.16(2) and Iowa Administrative Code rule 191—10.13, subjecting Brosamle 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.

COUNT III
Failure to Update Address

38. Under Iowa Code § 522B.6(7) and Iowa Administrative Code rule 191—10.12(2), a licensee shall inform the Commissioner of a change of address within thirty (30) days of the change.

39. On July 14, 2021, Brosamle provided his residence address as 1952 SW Cascade Falls Drive, Ankeny Iowa 50023.

40. On or about March 11, 2022, Brosamle provided a residence address of 140 Cypress Station Drive, Houston, Texas 77090 to the TX DOI when he applied for a Texas resident insurance producer license.

41. On or about August 8, 2022, Brosamle listed a residence address of 1818 Union Avenue, Dow City, Iowa 51528, when he registered with the Iowa Sex Offender Registry.

42. Brosamle did not timely provide the Division's Producer Licensing Bureau with an updated address within thirty (30) days of any of these changes. It was not until November 17, 2022, in response to a direct inquiry by the Division's Licensing Bureau, that Brosamle provided a current residence address of 1818 Union Avenue, Dow City, Iowa 51528.

43. Brosamle's failure to inform the Commissioner of any one of these changes in address is a violation of Iowa Code § 522B.6(7) and Iowa Administrative Code rule 191—10.12(2), subjecting Brosamle 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. Brosamle's Iowa resident insurance producer license is immediately revoked, pursuant to Iowa Code § 522B.17;
- B. Brosamle, pursuant to Iowa Code § 522B.17, shall immediately cease and desist from engaging in the business of insurance in this state; and
- C. Brosamle shall be barred from reapplying for an insurance producer license in Iowa for five (5) years following the date of this order.

SO ORDERED on the 20th day of December, 2022.



DOUGLAS M. OMMEN
Iowa Insurance Commissioner

Respectfully submitted,



Colin Grace
Iowa Insurance Division
1963 Bell Avenue, Suite 100
Des Moines, Iowa 50315
Phone: (515) 654-6560
Email: colin.grace@iid.gov
ATTORNEY FOR THE DIVISION

CERTIFICATE OF SERVICE

Copy to:

Kyle Brosamle
1818 Union Avenue
Dow City, Iowa 51528
RESPONDENT

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 December 21, 2022.

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

Signature: Brooke Hohn
Brooke Hohn

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 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 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, Kyle Brosamle, 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.

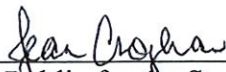
Dated: 12/12/22



Kyle Brosamle, Respondent

1818 Union Ave. Dow City, IA 51528
Address of Signatory

Subscribed and sworn before me by Kyle Brosamle on this 12 day of Dec. 2022.



Notary Public for the State of Iowa

