

FILED
SEP 25 2023
COMMISSION OF INSURANCE
INSURANCE DIVISION OF IOWA

BEFORE THE IOWA INSURANCE COMMISSIONER

IN THE MATTER OF)	
)	Division Case No. 117415
HERMALINDA GOMEZ,)	
NPN 20026728,)	ORDER AND
DOB 9/9/XXXX,)	CONSENT TO ORDER
)	
Respondent.)	

NOW THEREFORE, upon motion of the Iowa Insurance Division (“Division”) and by the consent of Respondent Hermalinda Gomez (“Gomez”), 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. Gomez is an individual with a last-known residence address of 21620 Bailly St., Perris, California 92570.
3. Gomez is and has been licensed in the state of Iowa as a nonresident insurance producer since August 17, 2021. Gomez is licensed under National Producer Number 20026728.
4. Pursuant to Iowa Code § 505.28, Gomez consented to the jurisdiction of the Commissioner of Insurance by committing acts governed by chapter 522B.
5. From on or about November 30, 2022, to present, Gomez engaged in acts and practices within the state of Iowa constituting cause for probation, suspension, or revocation of her 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. Gomez 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, Gomez designated the Commissioner as an agent for service of process.
7. The Division issued Gomez a license as a nonresident insurance producer on August 17, 2021, and assigned to Gomez National Producer Number 20026728.
8. In March 2022, Gomez was a sales agent for Golden Rule Insurance Company (“Golden Rule”), a UnitedHealthcare company (“UHC”), selling health insurance.
9. On or around March 24, 2022, R.M., an Iowa consumer, contacted Gomez seeking personal health insurance. R.M. indicated that he was seeking a plan equally or less expensive than his previous health insurance plan, and specifically wished to obtain a plan that would have little or no deductible. R.M. and Gomez determined that a short-term medical plan would fit R.M.’s needs until he could consider alternative long-term plans during open enrollment later in the year. The plan had a \$10,000.00 deductible.
10. R.M. ultimately agreed to purchase four products from Gomez: a short-term medical insurance plan and three supplemental insurance plans, including an accident safe guard plan, a hospital guard plan, and a critical illness plan (collectively, “Golden Rule plans”).
11. Prior to finalizing the sale, Gomez emailed the details of the various Golden Rule plans to R.M. to review. Later that day, R.M. completed the online application for the Golden Rule plans and the sale was finalized.
12. R.M. subsequently contacted United on several occasions over the following months inquiring as to why his deductible for emergency room visits was not fully covered by the

supplemental plans. In a letter to the Division from United dated November 1, 2022, United stated that none of the expenses incurred by R.M. were covered expenses under the supplemental Golden Rule plans he had purchased.

Division Communication Attempts

13. On November 17, 2022, a Division investigator sent Gomez a letter by email to two email addresses provided by Gomez and noted in her Division licensing record, hermelinda.gomez@healthmarkets.com and hermelindagomez094@gmail.com. The letter requested that Gomez explain why she felt it was necessary to sell each of the four Golden Rule plans to R.M, to explain each policy and how the plans supplemented one another, and to provide copies of information sent to R.M. on March 24, 2022. The letter directed Gomez to contact the investigator by December 7, 2022.

14. On November 30, 2022, Gomez responded to the letter by email from hermelinda.gomez@healthmarkets.com. Gomez's response was brief and did not fully respond to the questions asked by the investigator. Further, Gomez did not provide the requested documents and instead directed the investigator to contact United directly to obtain them.

15. On December 20, 2022, the Division investigator sent another letter to Gomez by email, requesting the same information, directing Gomez to obtain the documents from United and provide them along with a detailed written and signed response. The letter directed Gomez to provide the documents and her complete response to the investigator by December 30, 2022, to which Gomez did not timely respond.

16. On January 17, 2023, the Division investigator resent the same request to Gomez by email to the same email addresses, directing Gomez to respond by January 27, 2023, to which Gomez did not timely respond.

17. On January 31, 2023, the Division investigator sent an administrative subpoena to Gomez by email and by FedEx delivery to two addresses provided by Gomez and noted in her Division licensing record: 21620 Bailly St., Perris, CA 92570; and 5747 Marigold Loop, Crestview, FL 32539. The subpoena sought a response to questions about to the transaction with R.M. and related documentation. The deadline to respond to the subpoena was February 14, 2023, at 4:00 pm.

18. On February 7, 2023, the Division received confirmation from FedEx that the subpoena sent to the California address was successfully delivered and signed for by “R. Gomez” on February 6, 2023. On February 8, 2023, the Division received confirmation from FedEx that the subpoena sent to the Florida address was successfully delivered and signed for by “L. Gomez” on February 8, 2023. Gomez did not timely respond to the email or subpoenas.

19. On July 5, 2023, the Division filed a Statement of Charges and Notice of Hearing in this matter. Gomez subsequently contacted the Division on July 21, 2023, and filed an Answer on August 8, 2023.

20. On August 4, 2023, UHC and Gomez provided a response to the Division’s request for information and subpoena.

III. CONCLUSIONS OF LAW

COUNT I

Failure to Cooperate

21. 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.

22. Gomez failed to cooperate with an investigation by the Division relating to her sale of the Golden Rule plans to R.M.

23. Gomez's response to the November 17, 2022, email was inadequate and failed to specifically respond to the Division's requests for information. Gomez further failed to respond to Division communications sent on December 20, 2022, and January 17, 2023, and failed to respond to an administrative subpoena sent on January 31, 2023.

24. Although Gomez initially failed to comply with the Division's investigation, Gomez did provide the requested information to the Division after the Division filed charges in this matter.

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

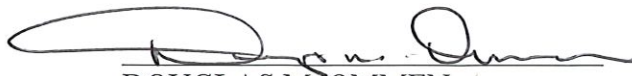
IV. ORDER

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

- A. Gomez shall, contemporaneously with this Consent Order, pay a civil penalty in the amount of \$250.00, 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 and 507B.7.
- B. Gomez shall, contemporaneously with this Consent Order, pay costs of the investigation in the amount of \$100.00, 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 and 507B.7.

C. 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 this 25th day of September, 2023.



DOUGLAS M. OMMEN
Iowa Insurance Commissioner

Respectfully submitted,



Joseph A. Fraioli
Iowa Insurance Division
1963 Bell Avenue, Suite 100
Des Moines, Iowa 50315
(515) 654-6562
Joseph.fraioli@iid.iowa.gov
ATTORNEY FOR THE DIVISION

Copy to:

Hermelinda Gomez
5747 Marigold Loop
Crestview, Florida 32539
and
21620 Bailly St.
Perris, California 92570

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 September 26, 2023.

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

Signature: Brooke Hohn
Brooke Hohn

NOTICE OF PENALTIES FOR WILLFUL VIOLATION OF THIS ORDER

YOU ARE 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.

CONSENT TO ORDER AND AGREEMENT

I, Hermalinda Gomez, Respondent in this matter, have read, understood, and do knowingly consent to this Order in its entirety. I understand and acknowledge I have the right to consult with an attorney on this matter if I choose to do so, and acknowledge that the Division cannot provide me an attorney nor can the Division provide me legal advice. 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.

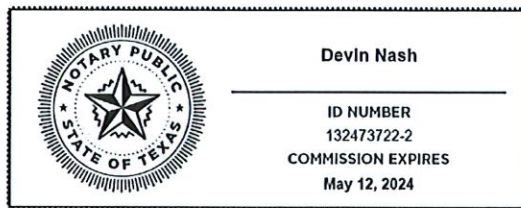
08/28/2023
Date

Hermalinda Gomez
Hermalinda Gomez, Respondent

21620 Baily St., Perris, CA 92570
Address of Signatory

Subscribed and sworn before me by Hermalinda Gomez on this 28th day of August, 2023.

Devin Nash
Notary Public for the State of Texas
Devin Nash



Notarized online using audio-video communication