

BEFORE THE IOWA INSURANCE COMMISSIONER

IN THE MATTER OF)	Division Case No. 119230
)	
CYNTHIA GAMBRELL,)	ORDER AND
NPN 2444302,)	CONSENT TO ORDER
DOB 01/14/XXXX,)	
)	
Respondent.)	
)	

NOW THEREFORE, upon motion of the Iowa Insurance Division (“Division”) and by the consent of Respondent Cynthia Gambrell, 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 and Iowa Administrative Code chapter 191—10 pursuant to Iowa Code § 505.8.
2. Cynthia Gambrell (“Gambrell”) is an individual with a last-known residence address of 1035 Magnolia St., Colorado Springs, Colorado 80907.
3. Gambrell was licensed in the state of Iowa as a nonresident insurance producer from January 23, 2018, until her license expired on January 31, 2024. Gambrell was licensed under National Producer Number 2444302.
4. Pursuant to Iowa Code § 505.28, Gambrell consented to the jurisdiction of the Commissioner of Insurance by committing acts governed by chapter 522B.
5. Pursuant to Iowa Code § 522B.11(5), the Commissioner may enforce the provisions of Iowa Code chapters 507B and 522B “against any person who is under investigation for, or

charged with, a violation of either chapter even if the person’s license has been surrendered or has lapsed by operation of law.”

6. From on or about August 26, 2023, to present, Gambrell engaged in acts and practices within the state of Iowa constituting cause for probation, suspension, or revocation of Gambrell’s 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

7. Gambrell applied for a nonresident insurance producer license with the Division by submitting a Uniform Application for Individual Producer License (“Uniform Application”) through the National Insurance Producer Registry. In submitting the Uniform Application, Gambrell designated the Commissioner as an agent for service of process.

8. The Division issued Gambrell a license as a nonresident insurance producer on January 23, 2018, and assigned to Gambrell National Producer Number 2444302. On January 31, 2024, Gambrell’s license expired due to nonrenewal.

9. On April 2, 2012, USAA Casualty Insurance Company (“USAA”) hired Gambrell as an Insurance Professional – Sales and Service I.

10. On July 11, 2023, following an internal investigation of a claim Gambrell filed with USAA, USAA terminated Gambrell’s employment for cause. USAA stated that Gambrell engaged in misrepresentation and concealment of material facts that violated USAA’s Core Values and Code of Conduct.

Division Investigation & Gambrell’s Failure to Respond

11. In July 2023, USAA notified the Division of Gambrell’s termination for cause.

12. On August 4, 2023, a Division investigator sent a Request for Information (“RFI”) and Termination for Cause questionnaire (“TFC”) to Gambrell by email. The only email address listed in Gambrell’s Division licensing record was and still is a USAA email address. The Division sent the RFI to three email addresses found through an online search of public records associated with Gambrell. The Division received no indication that the emails sent to Cynthia.gambrell@yahoo.com and Cynthia.gambrell@gmail.com failed to be delivered. The email to cyntg2@yahoo.com was rejected because the email address could not be found or was unable to receive mail. The RFI directed Gambrell to respond to the investigator by August 15, 2023, and included a statement reminding Gambrell that insurance producers have a duty to cooperate with Division investigations. To date, Gambrell has not responded to these emails.

13. On August 16, 2023, the investigator mailed a second RFI and TFC by FedEx delivery to the residence and mailing address provided by Gambrell and noted in her licensing record, 1035 Magnolia St., Colorado Springs, Colorado 80907. The RFI directed Gambrell to respond to the investigator by August 26, 2023, and included a statement reminding Gambrell that insurance producers have a duty to cooperate with Division investigations. On August 22, 2023, the Division received confirmation from FedEx that the RFI was delivered to a different address, 2921 N. Nevada Ave., Colorado Springs, Colorado 80919. FedEx tracking indicates that it made two unsuccessful attempts to deliver the mailing to the Magnolia St. address, citing “customer not available or business closed,” before forwarding the mailing to the N. Nevada Ave. address, a Walgreens Pharmacy and FedEx delivery location. The mailing was delivered to the N. Nevada Ave. address and was signed for by “C. Gaambrell” on August 22, 2023. To date, Gambrell has not responded to the RFI.

Out-of-State Regulatory Action

14. On December 18, 2023, the Colorado Division of Insurance (“Colorado Division”) entered routine department action against Gambrell for failing to respond to an investigation. The Colorado Division assessed Gambrell a \$500 monetary penalty.

15. Gambrell disputes the reason for her termination from USAA, but admits that she failed to timely respond to the Division’s investigation and was assessed a penalty by the Colorado Division

III. CONCLUSIONS OF LAW

COUNT I

Failure to Cooperate

16. 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.

17. Gambrell failed to cooperate with the Division’s investigation. Specifically, Gambrell failed to respond to the RFI and TFC dated August 4, 2023, and August 16, 2023.

18. Gambrell knew or should have known that she was required to respond to the Division’s RFI and TFC because she received and signed for the correspondence, and the letter specifically referenced her statutory obligation to respond to the Division’s investigation pursuant to Iowa Code § 522B.11(1)(p).

19. Gambrell’s acts and practices violate Iowa Code § 522B.11(1)(p), subjecting Gambrell to probation, suspension, or revocation of Gambrell’s insurance producer license, the imposition of a civil penalty, an order requiring Gambrell 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.

COUNT II
Other State Licensing Action

20. 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 “[v]iolating any insurance laws, or violating any regulation, subpoena, or order of the commissioner or of a commissioner of another state.”

21. On December 18, 2023, the Colorado Division assessed a \$500 monetary penalty against Gambrell for failing to respond to an investigation.

22. Gambrell’s acts and practices violate Iowa Code § 522B.11(1)(b) subjecting Gambrell to probation, suspension, revocation, denial, or nonrenewal of Gambrell’s insurance producer license, the imposition of a civil penalty, an order requiring Gambrell 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:

- A. Gambrell’s Iowa resident insurance producer license is revoked and Gambrell is prohibited from engaging in the business of insurance in this state pursuant to Iowa Code §§ 507B.7 and 522B.11;

- B. Gambrell, pursuant to Iowa Code §§ 507B.7 and 522B.17, shall immediately cease and desist from engaging in the acts or practices found herein and in the business of insurance in this state;
- C. Gambrell shall pay the amount of \$235.00 for costs of investigation and proceeding pursuant to Iowa Code § 505.8. Gambrell shall, contemporaneously with this Consent Order, make a payment to the Division of \$35.00, and shall thereafter, on the first of each month beginning August 1st, 2024, make additional payments of at least \$50.00 to the Division until the remainder of the costs owed under this Paragraph are paid in full. 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 502, 507B, and 522B, including but not limited to Iowa Code § 502.604(7), and 507B.8, 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 11th day of July, 2024.



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 by mail and email to:

Cynthia Gambrell
1035 Magnolia St.
Colorado Springs, Colorado 80907

cynthia.gambrell@gmail.com

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 _____ July 11, 2024.

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

Signature: /s/ 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 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 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, Cynthia Gambrell, 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 I 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.

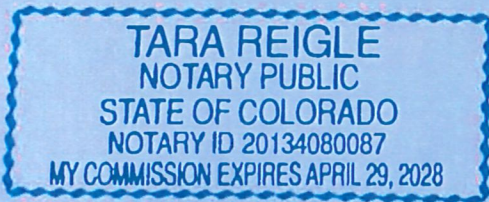
I further understand this Order is considered a final administrative action that will be reported by the Division to the National Association of Insurance Commissioners and to other regulatory agencies. I also understand this Order is a public record under Iowa Code chapter 22, and information may be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

Cynthia Gambrell
Cynthia Gambrell, Respondent

7-3-24
Date

1035 Magnolia St #B
Address of Signatory

Subscribed and sworn before me by Cynthia Gambrell on this 3rd day of July, 2024.



Tara Reigle
Notary Public for the State of Colorado
County of El Paso