

BEFORE THE IOWA INSURANCE COMMISSIONER

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<p>IN THE MATTER OF</p> <p>APRIL A. ANDERSON,          NPN 17338629,          DOB 04/28/XXXX,</p> <p style="padding-left: 40px;">Applicant</p>	<p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p>	<p>Division Case No. 100395</p> <p><b>ORDER DENYING REISSUANCE          AFTER LICENSE REVOCATION          AND EXPIRATION</b></p>
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Pursuant to Iowa Code Chapter 522B—Licensing of Insurance Producers and Iowa Administrative Code rule 191—10.10, this matter comes before the Commissioner of Insurance upon an application by April A. Anderson for reissuance of an Iowa insurance producer license.

**I. PARTIES AND JURISDICTION**

1. The Commissioner of Insurance, Doug Ommen, directly and through his designees, administers and enforces Iowa Code chapter 522B—Licensing of Insurance Producers and Iowa Administrative Code rule 191—10.10, pursuant to Iowa Code § 505.8.
  
2. April A. Anderson (“Applicant”) is an individual with a last known residential address of 605 W 44<sup>th</sup> Street, Davenport, Iowa 52806.
  
3. Applicant has filed an application through the National Insurance Producer Registry (“NIPR”) for individual producer license and filed an application with the Iowa Insurance Division (“Division”) for reissuance of Applicant’s Iowa resident insurance producer license.
  
4. The Commissioner is authorized to issue this order pursuant to Iowa Administrative Code rule 191—10.10.

## II. FINDINGS OF FACT

5. Applicant was licensed as a resident insurance producer in Iowa from August 6, 2014, until the Commissioner revoked her license effective June 18, 2019. Applicant's license expired on April 30, 2020. She was licensed under National Producer Number 17338629.

6. On March 7, 2019, the Division filed a statement of charges charging Applicant with four counts of violations of Iowa Code Chapter 522B. The counts included misrepresentations in insurance applications, forging another's name to an insurance application, using fraudulent or dishonest practices and/or demonstrating incompetence or untrustworthiness, and failure to cooperate with a Division investigation. Applicant did not file an answer nor participate in the contested case proceeding.

7. On May 31, 2019, the Commissioner issued a default order, findings of fact, conclusions of law and order ("Default Order") revoking Applicant's license. In the findings of fact, the Commissioner found that Applicant submitted thirteen applications for whole life insurance policies with false or untrue information. Applicant listed her own address as the proposed insured's address on six applications. Applicant listed a bank account that did not belong to the proposed insured on thirteen applications. Applicant forged the signature of the proposed insured on one application. Applicant received \$10,369.93 in commissions from submitting these thirteen applications.

8. In the findings of fact of the Default Order, the Commissioner also found that during the Division's investigation, the Division investigator sent Applicant a letter requesting an interview via email. Applicant called the investigator indicating a willingness to be interviewed. However, she failed to schedule the interview. Applicant then failed to respond to the

investigator's subsequent multiple attempts to contact her by email, regular mail, and certified mail.

9. In addition to revoking her license, the Commissioner prohibited Applicant from applying for an Iowa insurance producer license for five years and ordered Applicant to pay \$500.00 for the costs of investigation and prosecution within 45 days pursuant to Iowa Code § 505.8.

10. Applicant failed to pay the \$500.00 within 45 days of the Default Order. The Division sought collection remedies upon Applicant's failure to timely pay the penalty. On March 31, 2024, the Iowa Department of Revenue collected the penalty amount from Applicant's 2023 tax return.

11. The period in which Applicant was banned from applying for an insurance producer license has now passed.

12. On August 7, 2024, Applicant submitted an application for an insurance producer license through NIPR ("NIPR Application"). Attachment A (NIPR Application).

13. On the NIPR Application, question 1(a) asked:

Have you ever been convicted of a misdemeanor, had a judgment withheld or deferred, or are you currently charged with committing a misdemeanor? You may exclude the following misdemeanor convictions or pending misdemeanor charges: traffic citations, driving under the influence (DUI), driving while intoxicated (DWI), driving without a license, reckless driving, or driving with a suspended or revoked license. You may also exclude juvenile adjudications (offenses where you were adjudicated delinquent in a juvenile court)

If the applicant answers "Yes" the NIPR Application requires the applicant to submit a written statement explaining the circumstances of each incident, a copy of the charging document, and a copy of the official document showing the resolution of the charges or any final judgment.

Applicant answered “Yes” to question 1(a) but failed to submit a written statement or any of the requested documents. *Id.* at 1.

14. On the NIPR Application, question 2 asked:

Have you ever been named or involved as a party in an administrative proceeding, including FINRA sanction or arbitration proceeding regarding any professional or occupational license or registration?

"Involved" means having a license censured, suspended, revoked, canceled, terminated; or, being assessed a fine, a cease and desist order, a prohibition order, a compliance order, placed on probation, sanctioned or surrendering a license to resolve an administrative action. "Involved" also means being named as a party to an administrative or arbitration proceeding, which is related to a professional or occupational license, or registration. "Involved" also means having a license, or registration application denied or the act of withdrawing an application to avoid a denial. INCLUDE any business so named because of your actions in your capacity as an owner, partner, officer or director, or member or manager of a Limited Liability Company. You may EXCLUDE terminations due solely to noncompliance with continuing education requirements or failure to pay a renewal fee.

If an applicant answers “Yes” the NIPR Application requires the applicant to submit a written statement identifying the type of license and explaining the circumstances of each incident, a copy of the notice of hearing or other document stating the charges or allegations, and a copy of the official document showing the resolution of the charges or any final judgment. Applicant answered “Yes” to question 2 but failed but failed to submit a written statement or any of the requested documents. *Id.*

15. On August 8, 2024, the Division requested from Applicant the statements and documents required due to Applicant’s responses to questions 1(a) and 2 on the NIPR Application. The Division also requested that she complete and submit an Iowa insurance producer application for reissuance after disciplinary action (“Reissuance Application”). Attachment B (8.8.24 Emails from Division to Applicant).

16. On August 27, 2024, Applicant submitted a written statement describing the circumstances of each incident relevant to her responses to questions 1(a) and 2 of the NIPR Application. Applicant stated the following with respect to each question:

*Question 1(a):* I do have two misdemeanors for fifth degree thefts. This happened approximately 30 years ago. I was with some shop lifters and was charged as well-guilty by association. Though I was very young, I am still to this day ashamed of my actions and very glad that a life remotely close to that is far far behind me

*Question 2:* I was licensed before in 2014 and worked for a company that I now know did not have good leadership. We were pushed to write Business around the clock, and I was guilty of writing business For shady characters. I didn't quite understand at the time how captive and non-captive worked and could have and should have left that company for my own good. Nevertheless, I took my own accountability and was fined \$500 and my license was suspended for five years in June of 2019. The day that suspension was up, I scheduled my appointment to retest. It was one of the saddest days of my life to Lose my license. I really enjoyed helping families and have helped change so many lives for the better. I do understand the importance of writing good business, ethics, morals and abiding by all laws, rules, and regulations. I pray I am given another chance to be a producer and one with much integrity.

Attachment C (8.27.24 Email from Applicant to Division). However, Applicant did not submit any of the required documentation related to questions 1(a) and 2 in the NIPR Application.

17. On August 29, 2024, Applicant submitted her Reissuance Application. Attachment D (Iowa Reissuance Application).

18. The Reissuance Application required Applicant to “provide a written statement explaining why [Applicant] feel[s] this incident(s) should not prevent [her] from receiving a license.” Applicant provided the following response:

I have learned from this, not only do I know what to do, I know what not to do! I was under poor leadership but do not use that as an excuse. I understand that I must abide by the rules set forth by the Insurance Division and Iowa law.

*Id.* at 2.

19. The Reissuance Application required Applicant to describe “what steps [has Applicant] taken to prevent this from happening again?” Applicant responded, “Educating myself and staying abreast of reputable companies. Also making sure that I’m a woman of integrity in all that I do!” *Id.* at 3.

20. The Reissuance Application asks whether the applicant has “complied with all requirements of any order of findings of fact from the Iowa Insurance Division?” Applicant checked “Yes.” *Id.* at 3.

21. The Division’s Licensing Bureau recommended denying Applicant’s application for an insurance producer license based on Applicant’s violations of Iowa law found in the Default Order, her lack of character and/or competence, her failure to prove that the basis for revocation no longer exists, and that it would not be in the public interest to grant her application.

Attachment E (Anderson Recommendation for Denial).

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

22. Iowa Administrative Code rule 191—10.10(2)(a) provides that a producer whose license has been suspended by order and expired may apply to the Commissioner for reissuance of his or her license by filing an application for reissuance. The applicant shall initiate the proceedings for reissuance by filing an application for reissuance with the Commissioner.

23. Applicant submitted the NIPR Application and Reissuance Application required by Iowa Administrative Code rules 191—10.10(2)(b) and 10.5.

24. Iowa Administrative Code rule 191—10.10(2)(b) states that applications for reissuance must allege facts sufficient to enable the Commissioner to establish that the basis of the revocation no longer exists.

25. The basis of the revocation in the Default Order was Applicant's violations of Iowa insurance law that included providing untrue information on thirteen applications for insurance policies, forging the signature of one proposed insured on one application, falsely attesting to the veracity of the information in the applications, and failing to cooperate with the Division's investigation.

26. On her NIPR Application, Applicant checked "Yes" to questions 1(a) and 2 but failed to provide supporting documentation. The Division sent her subsequent correspondence specifically requesting those items. To date, Applicant has not supplied the required supporting documentation.

27. Applicant's conduct that gave rise to her 2019 license revocation involved significant wrongdoing. She should have known at that time that providing untrue information in insurance application, and forging a signature on one application, was unlawful. Applicant also should have known that, as a licensee, she was required to cooperate with the Division's investigation. However, Applicant's answers on her NIPR Application and Reissuance Application minimized the wrongdoing and offered little explanation of the material circumstances. This is a significant concern to us especially because the Appellant defaulted in the action that led to the 2019 license revocation.

28. Applicant's written statement as to question 2(a) of the NIPR Application was unresponsive and insufficient. Applicant failed to describe or address the underlying conduct of her 2019 revocation. Instead, she blamed her former employer stating that she was "pushed to write Business [sic] around the clock" and that she wrote business for "shady characters." She also blamed her confusion over "how captive and non-captive worked." None of these

statements are relevant to her misrepresentations and forgeries on the applications for insurance policies she submitted nor her failure to cooperate with a Division investigation.

29. On her Reissuance Application, Applicant's answer to the question of what steps she has taken to prevent this from happening again consisted of vague statements that could not be effectively evaluated by the Division. The Applicant stated that she was "educating [herself]" but did not provide any details to evaluate the sufficiency of any such education. She stated that she was "staying abreast of reputable companies" without explaining how that would be relevant to the conduct at issue nor identifying any such "reputable" companies. Her last statement that she is "making sure that [she is] a woman of integrity in all that [she does]," is vague.

30. Applicant has failed to demonstrate that she would fully and adequately respond to Division investigations in the future. During the Division's investigation into her termination for cause, Applicant failed to respond to multiple attempts to contact her and failed to provide the requested interview to the Division despite making initial contact with the investigator. Further, Applicant failed to participate in the subsequent contested case proceeding. Applicant's answers in her NIPR Application and Reissuance Applications do not address these failures. Further, Applicant's unresponsive answers to certain questions in her NIPR Application and Reissuance Application demonstrate an ongoing pattern of failing to fully and adequately respond to Division inquiries.

31. Finally, Applicant has not demonstrated that she has accepted full responsibility for her conduct that gave rise to the 2019 revocation. In her written statements, Applicant never described the unlawful conduct. Instead, she described unrelated conduct, blamed her former employer multiple times, and blamed her confusion over an unrelated issue. To the extent that



she did acknowledge a mistake on her part, she stated that she “could have and should have left that company for [her] own good.”

32. It is not in the public’s interest to grant Applicant’s request for license reissuance.

**IV. ORDER**

**WHEREFORE, IT IS ORDERED** pursuant to the powers granted to the Commissioner of Insurance:

- A. Applicant’s Reissuance Application is denied; and
- B. Applicant’s insurance producer license shall remain inactive and Applicant shall remain prohibited from selling, soliciting, or negotiating insurance in this state, offering to the public advice, counsel, or services with regard to insurance, or otherwise transacting in the business of insurance in this state until and unless licensed by the Division.

**IT IS FURTHER ORDERED** that, pursuant to Iowa Code § 505.8(10), the one hundred-dollar (\$100) payment Applicant submitted will be returned.

SO ORDERED on the 10<sup>th</sup> day of October, 2024.



DOUGLAS M. OMMEN  
Iowa Insurance Commissioner

**Copy to:**  
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Iowa Insurance Division  
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**ATTORNEY FOR THE DIVISION**

April A. Anderson  
605 W 44<sup>th</sup> Street  
Davenport, IA 52806  
**APPLICANT**

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 October 11, 2024.

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.