

FILED
FEB 11 2025
COMMISSION OF INSURANCE
INSURANCE DIVISION OF IOWA

BEFORE THE IOWA INSURANCE COMMISSIONER

IN THE MATTER OF

AMBER DENO,
NPN 19078621
DOB 05/19/XXXX

Respondent.

Division Case No. 120517

FINAL ORDER

NOW THEREFORE, the Commissioner takes up for consideration the attached Proposed Default Order of Administrative Law Judge, Jasmina Sarajlija, of the Iowa Department of Inspections and Appeals show as filed on February 6, 2025.

IT IS ORDERED that the Commissioner has reviewed the record, corrects a typographical error in proposed finding of fact 9 by changing “2013” to “2023”, and adopts Judge Sarajlija’s default order as my own final decision.

IT IS FURTHER ORDERED that Amber Deno has 30-days from the date of this Order to pay a civil penalties of \$1,000, and investigation and prosecution costs of \$998.25.

IT IS FURTHER ORDERED that these orders may be enforced under Iowa Code chapter 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 amount.

Dated this 11th day of February, 2025.



DOUGLAS M. OMMEN
Iowa Insurance Commissioner

Copy to:

Colin Grace
Iowa Insurance Division
1963 Bell Avenue, Suite 100
Des Moines, Iowa 50315
colin.grace@iid.iowa.gov

Meara Kearney
Iowa Insurance Division
1963 Bell Avenue, Suite 100
Des Moines, Iowa 50315
meary.kearney@iid.iowa.gov
ATTORNEYS FOR THE DIVISION

Amber Deno
6018 Diego Lane
San Antonio, Texas 78253
amberdeno11@yahoo.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 February 11, 2025 ~~2024~~.

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

Signature: Brooke Hohn
Brooke Hohn

IN THE IOWA ADMINISTRATIVE HEARINGS DIVISION
CENTRAL PANEL BUREAU

IN THE MATTER OF:)	
)	
)	
AMBER DENO,)	DIAL Case No. 25IID0006
)	Division Case No. 120517
)	
Respondent.)	PROPOSED DEFAULT DECISION
)	

On December 19, 2024, the Iowa Insurance Division (“IID”) filed a Statement of Charges and Notice of Hearing (collectively “Statement of Charges”) against Amber Deno (“Deno”), a licensed nonresident insurance producer. The matter was scheduled for both a prehearing conference and an evidentiary hearing before Commissioner Douglas M. Ommen. The matter was subsequently transferred to this Tribunal. Thereafter, on January 14, 2025, IID filed a Motion for Default Judgment, along with three exhibits, stating Deno failed to file an answer as required and seeking a default order that revokes Deno’s license and assesses various other penalties. Deno failed to file a timely resistance, and seeing no hearing is required or advisable, the matter is now fully submitted.

FINDINGS OF FACT

IID filed a Statement of Charges on December 19, 2024, alleging one count against Deno. Statement of Charges, at pp. 4-5. IID alleged that Deno violated Iowa Code section 522B.11(1)(p) when she failed to cooperate with IID’s investigation regarding her termination for cause as an insurance professional with United Services Automobile Association (“USAA”). *Id.* The Statement of Charges then requested a sanction on Deno’s nonresident insurance producer license (including revocation), a cease and desist order, a civil penalty, and payment of investigation and prosecution costs. *Id.* at p. 5.

In support of the alleged violation and requested relief, IID alleged the following relevant factual allegations in its Statement of Charges:

2. Amber Deno (“Deno”) is an individual with a last-known residential address of 6018 Diego Lane, San Antonio, Texas 78253.

3. Deno is and has been licensed in the state of Iowa as a nonresident insurance producer since March 25, 2019. Deno is licensed under National Producer Number 19078621.

- ...

6. Deno 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, Deno designated the Commissioner as an agent for service of process.

8. On February 18, 2019, USAA hired Deno as an Insurance Professional-Sales and Services I at their office in San Antonio, Texas.

9. On August 17, 2013, USAA notified the Division of its decision to terminate Deno for cause, alleging multiple violations of USAA policy that reportedly occurred in or around June and July of 2023.

10. On August 21, 2023, the Division received notification from USAA of Deno's termination for cause.

11. On August 21, 2023, a Division investigator sent a Request for Information ("RFI") and Termination for Cause ("TFC") questionnaire to Deno to two email addresses obtained through a public records search, bambieambie1@yahoo.com and amberdeno11@yahoo.com. Following her termination, Deno no longer had access to the email address noted in her licensing record, Amber.Deno@usaa.com, so the Division investigator attempted contact with the email addresses found through a public records search.

12. The Division received no indication that the emails failed to be delivered. The RFI and TFC questionnaire requested a response by September 4, 2023. To date, Deno has not responded to either email.

13. On September 5, 2023, the Division investigator mailed a second RFI and TFC to Deno via FedEx to the home mailing address listed in her Division licensing record. On September 6, 2023, FedEx successfully delivered the second RFI and TFC questionnaire to Deno's address. The package was signed for by "A. Deno."

14. The second RFI and TFC questionnaire requested a response by September 15, 2023. To date, the Division has not received a response to the second RFI and TFC questionnaire.

15. On September 18, 2023, the Division investigator called and spoke with Deno. She confirmed that she received the second RFI and TFC questionnaire and claimed that she sent a response via U.S. mail on September 8, 2023. The investigator indicated that the Division had not received this response and requested Deno resend her response via email. Deno advised the best way to contact her is via email at amberdeno11@yahoo.com. To date, the Division has not received the response Deno claimed she sent via U.S. mail.

16. After their conversation, the Division investigator sent a third RFI and TFC questionnaire to the email address Deno provided requesting a

response by September 25, 2023. To date, Deno has not responded to the third RFI and TFC questionnaire.

17. On September 26, 2023, the Division investigator emailed Deno and left her a voicemail reminding her that her responses were due the previous day and requested that she provide her responses by the end of business that day.

18. On September 27, 2023, the Division investigator called Deno and left her another voicemail advising her that the Division had not received either the claimed September 8, 2023, mailed response or any response to the emailed RFI and TFC questionnaires due September 25, 2023.

19. On September 28, 2023, the Division investigator again called Deno and left her another voicemail advising her that the Division had not received any response from her, including the response Deno stated she mailed, or any other response to the first, second, or third set of RFI and TFC questionnaires sent to her.

20. To date, Deno has not provided responses to any of the Division's RFI and TFC questionnaires.

Id., at pp. 1-4. Pursuant to Deno's consent to service of process, the Commissioner of Insurance, Douglas Ommen, was served with the Statement of Charges on December 19, 2024. The Statement of Charges was also sent via restricted certified mail to an address provided by Deno and noted in IID's licensing record for Deno. On January 2, 2025, the United States Postal Service notified the Division that it delivered the mailing on December 24, 2024, and the mailing was signed for by "Amber." Mot. Exs. 1-2. Deno failed to file an answer within 20 days, and has otherwise failed to participate.

On January 14, 2025, IID filed a Motion for Default, arguing that Deno was in default due to her failure to file an answer and requesting a finding in its favor on the charged count. Mot. at pp. 2-3. Specifically, IID requested: the revocation of Deno's insurance producer license with a cease and desist from engaging in the conduct charged and a prohibition against engaging in the business of insurance in Iowa; a civil penalty in the amount of \$1,000.00; and \$998.25 in investigation and prosecution costs. Id., at p. 4. Deno failed to respond. As discussed below, the unchallenged allegations made in the Statement of Charges are taken as true for purposes of this decision.

CONCLUSIONS OF LAW

A.

The Iowa legislature created IID "to regulate and supervise the conducting of the business of insurance in the state." Iowa Code § 505.1. One aspect of this authority is to regulate the licensing of insurance producers. See id. § 505.8; see also Iowa Code chapter 522B. Pursuant to this statutory authority, IID promulgated various administrative rules

governing the licensing and conduct of those in the business of insurance. For example, Chapter 10 of IID's rules creates the specific rules governing the "qualification, licensure, and appointment of insurance producers." 191 I.A.C. § 10.1. Likewise, Chapter 15 of IID's rules create the "minimum standards and guidelines" for essentially fair and honest practices in the business of insurance. 191 I.A.C. § 15.1.

When IID has reason to believe that an individual has engaged in unfair or deceptive acts or otherwise has violated the statutes and rules governing the business of insurance in the State, IID may file a statement of charges against the individual. See, e.g., Iowa Code 507B.6(1). This includes taking action against an individual's producer license. See id., § 522B.11(1). The sanction for the misconduct can vary based on the specific practice, with fines, recovery of investigation and prosecution costs, adverse action against a licensee, and other corrective action being generally available. See, e.g., id. §§ 505.8(10)("[IID] may, after a hearing conducted pursuant to chapter 17A, assess fines or penalties; assess costs of an examination, investigation, or proceeding; order restitution; or take other corrective action as the commissioner deems necessary and appropriate to accomplish compliance with the laws of the state relating to all insurance business transacted in the state."); 522B.11(1) (articulating license sanctions available for misconduct).

Once IID files a statement of charges against an individual and a notice of hearing is delivered concerning the charges, a contested case proceeding is commenced. Iowa Code §17A.12. IID has adopted rules for delivery of notice to an individual. Rule 191-3.5 provides that service of a notice of hearing and statement of charges shall be made by personal service or by certified mail, return receipt requested, at least 15 days before the hearing date. Further, subrule 3.5(c) also provides that for "persons regulated by the [Division]" . . . "who have consented in writing to have the commissioner accept service of process on their behalf" delivery of the notice of hearing is accomplished when the commissioner signs the notice of hearing or statement of charges.

Upon receipt of the notice of hearing, the individual against whom the charges are brought has "20 days of service of the notice of hearing unless otherwise ordered" to file an answer. 191 I.A.C. § 3.5(3). "Any allegation in the notice of hearing or accompanying charging document not denied in the answer is considered admitted" with the Tribunal authorized to "refuse to consider any defense not raised in the answer which could have been raised on the basis of facts known when the answer was filed if any party would be prejudiced." Id.

If an individual against whom charges are brought fails to file an answer as required by rule or otherwise participate, IID may move for a default order. See id., § 3.22. More specifically, the governing IID Rule states: "If a party fails to appear or participate in a contested case proceeding after proper service of notice . . . , the presiding officer may, if no adjournment is granted, enter a default decision or proceed with the hearing and render a decision in the absence of the party." Id., § 3.22(1). Failing to file a required pleading, such as an answer, is expressly identified as a form of lack of participation sufficient to justify a default, with another Rule stating: "Where appropriate and not contrary to law, any party may move for default against a party who has requested the

contested case proceeding and failed to file a required pleading or has failed to appear after proper service.” Id. § 3.22(2).

Importantly, “[a] default decision may award any relief consistent with the request for relief made in the petition, notice of hearing, or charging document and embraced in its issues.” Id. 3.22(9). Of note, the repeated use of the permissive term “may” in the Rule (as opposed to a mandatory term such as “shall”) confers significant discretion in whether to issue a default decision and the nature of any sanction. See, e.g., Burton v. Univ. of Iowa Hosps. & Clinics, 566 N.W.2d 182, 187 (Iowa 1997) (“Generally, the word ‘may,’ when used in a statute, is permissive only and operates to confer discretion unless the contrary is clearly indicated by the context.”).

B.

In this case, IID’s Motion for Default should be granted on the terms requested in the Motion. As an initial matter, the Tribunal has the authority to grant a default decision in this case. First, the record demonstrates Deno was properly served the Statement of Charges and Notice of Hearing, thereby triggering the duty to file an answer within 20 days. The certified mail was successfully delivered to Deno’s address of record as provided to the Division on her licensing record. See 191 I.A.C. § 3.5(1)(b). Second, the record also demonstrates Deno failed to timely file an answer, which is a required pleading. These two facts give the Tribunal the authority under IID Rule 3.22 to grant the Motion, thereby leaving the issues of whether such should be granted and on what terms.

Based on the totality of the circumstances, the Tribunal should grant the Motion. No doubt exists that Deno has been made aware of this matter, as not only did IID attempt to contact her during the investigation as evidenced by the unrebutted claims in the Statement of Charges, but it also mailed and emailed the relevant documents to the address Deno provided. IID provided documentation that Deno has been made aware of the charges but appears to have made a choice to not participate. Moreover, nothing in the record suggests a hearing on the merits is needed to avoid an injustice. The public is served by prompt resolution of this matter.

The record also dictates granting IID’s Motion on the terms requested. IID is requesting that Deno’s producer license be immediately revoked with a cease and desist order and prohibition on engaging in the business of insurance in Iowa; civil penalty of \$1,000.00; and payment of the costs of investigation and prosecution in the amount of \$998.25. Given each of these requests is authorized by statute for the conduct articulated in the Statement of Charges and given the type of relief sought in the Motion is referenced in the Statement of Charges, such relief is “consistent with the request for relief made in the petition, notice of hearing, or charging document and embraced in its issues.” Id. § 3.22(9). Thus, authority exists to grant the Motion, and the totality of the circumstances indicates it should be granted. Accordingly, the Motion for Default is GRANTED.¹

¹ In deciding to accept the allegations in the Statement of Charges as true, this Tribunal relies on the fact that Rule 191–3.22(9) provides authority to award the relief asked for in a Statement of Charges. This implies that a tribunal may accept as true the unchallenged matters in the charging documents in determining the appropriate relief to be awarded.

ORDER

IT IS HEREBY ORDERED:

A. Amber Deno, in failing to make a written answer to the Statement of Charges and participate in the contested case proceeding, is in default pursuant to Iowa Administrative Code rule 191—3.22 with the factual statements in the Statement of Charges being taken as true for purposes of this decision;

B. Amber Deno's insurance producer license is immediately revoked pursuant to Iowa Code §§ 522B.11 and 522B.17;

C. Amber Deno shall immediately cease and desist from engaging in the conduct charged in Count I of the Statement of Charges and from engaging in the business of insurance in Iowa pursuant to Iowa Code §§ 522B.11 and 522B.17;

D. A civil penalty in the amount of \$1,000.00 is assessed against Amber Deno, made payable to the Iowa Insurance Division, to be credited to the Iowa Insurance Enforcement Fund, to provide funds for insurance enforcement and education pursuant to Iowa Code §505.8;

E. Costs of the investigation and prosecution of this matter are assessed against Amber Deno in the amount of \$998.25, made payable to the Iowa Insurance Division, to be credited to the Iowa Insurance Enforcement Fund, to provide funds for insurance enforcement and education pursuant to Iowa Code § 505.8.

The Iowa Insurance Division shall take all necessary action to implement this decision.

Dated this 5th day of February, 2025.

cc: Amber Deno, Respondent, 6018 Diego Lane, San Antonio, TX 78253,
amberdeno11@yahoo.com (By Mail and Email)
Colin Grace, Attorney for IID; colin.grace@iid.iowa.gov (By AEDMS)
Meara Kearney, Attorney for IID, meara.kearney@iid.iowa.gov (By AEDMS)
Brooke Hohn, IID (By AEDMS)

Case Title: IN THE MATTER OF AMBER DENO (120517)

Case Number: 25IID0006

Type: Order

IT IS SO ORDERED.

A handwritten signature in black ink, appearing to read "J. Sarajlija". The signature is written in a cursive style with large, flowing letters.

Jasmina Sarajlija, Administrative Law Judge