

FILED

MAY 21 2025

COMMISSION OF INSURANCE
INSURANCE DIVISION OF IOWA

BEFORE THE IOWA INSURANCE COMMISSIONER

IN THE MATTER OF

AMEER J. DIAB,
NPN 20492922
DOB 06/18/XXXX

Respondent.

Division Case No. 120685

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 May 21, 2025.

IT IS ORDERED that the Commissioner has reviewed the record and adopts Judge Sarajlija's default order as my own final decision.

IT IS FURTHER ORDERED that Ameer J. Diab has 30-days from the date of this Order to pay a civil penalties of \$250.00, and investigation and prosecution costs of \$1727.75.

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 21st day of May, 2025.



DOUGLAS M. OMMEN
Iowa Insurance Commissioner

Copy to:

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

Ameer Diab
5820 Church
Apartment 443
Tampa ,Florida 33614
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 May 22, 2025.

By: ☒ First Class Mail ☐ Personal Service
☒ Restricted certified mail, return receipt ☒ Email
☐ Certified mail, return receipt ☐

Signature: Brooke Hohn
Brooke Hohn

IN THE IOWA ADMINISTRATIVE HEARINGS DIVISION
CENTRAL PANEL BUREAU

IN THE MATTER OF:

AMEER J. DIAB,

Respondent.

DIAL Case No. 25IID0009
Division Case No. 120685

PROPOSED DEFAULT DECISION

On April 10, 2025, the Iowa Insurance Division (“IID”) filed a Statement of Charges and Notice of Hearing (collectively “Statement of Charges”) against Ameer Diab (“Diab”), 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 May 8, 2025, IID filed a Motion for Default Judgment, along with 12 exhibits, stating Diab failed to file an answer as required and seeking a default order that revokes Diab’s license and assesses various other penalties. Diab 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 April 10, 2025, alleging two counts against Diab. Statement of Charges, at pp. 5-7. In Count One, IID alleged that Diab is subject to sanctions and civil penalties under Iowa Code section 522B.11(1)(i) as a result of license sanctions imposed on Diab by other states. In Count Two, IID alleges Diab violated Iowa Code section 522B.16(1) when he failed to report to the Division administrative action taken against him by other states. The Statement of Charges then requested a sanction on Diab'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. 7.

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

2. Ameer J. Diab ("Diab") is an individual with a last-known residence address of 5820 Church, Apartment 443, Tampa, Florida 33614.

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

7. The Division issued Diab a license as a nonresident insurance producer on November 26, 2022. Diab is licensed under National Producer Number 20492922. Diab currently holds an active resident insurance producer license in Florida.

8. Diab was appointed with Freedom Life Insurance Company of America ("Freedom Life") from October 14, 2022, to November 3, 2023, when he was terminated for cause. Freedom Life underwrites insurance for United Healthcare Services Inc. ("UHC").

Freedom Life Investigation

9. On or around October 6, of 2023, Freedom Life opened an internal investigation into a complaint filed, with the Utah Insurance Department, by A.W., a former customer of Diab's. A.W., with the help of Diab, submitted an application for insurance to National Foundation Life Insurance Company ("National Foundation"). National Foundation and Freedom life both underwrite insurance for UHC. A.W. complained that although her application was rejected, premium payments began being deducted from her bank account. UHC and Freedom Life determined that Diab used A.W.'s banking information on a fraudulent insurance application for a "E [REDACTED] W [REDACTED]" on June 22, 2023.

10. On October 6, 2023, Freedom Life sent Diab a questionnaire asking him to explain why the bank account information listed for W [REDACTED] was duplicated bank account information from the declined application of one of Diab's previous customers, A.W., and to provide proof that W [REDACTED] was a real person.

11. Diab provided a written explanation and multiple documents on October 7, 2023. Diab provided a screenshot of a paid insurance lead for a "M [REDACTED] W [REDACTED]" Diab explained that M [REDACTED] W [REDACTED] was E [REDACTED] W [REDACTED]'s wife, as stated in Mr. W [REDACTED]'s insurance application. The phone number, email address, and home address provided in the lead for Ms. W [REDACTED] match those provided in the insurance application for Mr. W [REDACTED]. Diab provided a screenshot of a Google Calendar meeting titled, "SOLD-Appt. W [REDACTED] Family NE." Diab claimed that while on a video call, Mr. W [REDACTED] provided Diab the routing number and account number that appears on his application; Diab had no explanation as to why the bank account information provided by W [REDACTED] matched A.W.'s banking information. Diab provided a document titled "W [REDACTED] Family brochure" that he claimed to have sent to the W [REDACTED]s on June 22, 2023. The metadata from the brochure however indicated that the document was created on October 7, 2023.

12. Based on this information, Freedom Life conducted an audit of Diab's recently submitted business and found another instance of a fraudulently submitted application. In this instance, an existing customer's banking

information was used on an insurance application for an unrelated person on June 26, 2023. Freedom Life determined that the voice on the application verification call to applicant was the same voice as the one on the application verification call to W[REDACTED].

13. On November 2, 2023, Freedom Life terminated Diab's employment for cause for fraudulent activity.

Division Investigation

14. On November 6, 2023, the Division received Freedom Life's termination for cause letter regarding Diab.

15. On November 20, 2023, a Division investigator emailed Diab a Request for Information letter ("RFI") and an attached Termination for Cause Questionnaire ("TFC") via the email address provided in his licensing records, requesting a response within ten days. The Division did not receive a response on or before December 6, 2023.

16. On December 6, 2023, the Division mailed Diab an RFI and TFC to the mailing and residence address provided in his licensing records, requesting a response within ten days

17. On December 12, 2023, Diab called the investigator stating that he received the mailed RFI and TFC and would respond via email prior to December 18, 2023. Diab advised he no longer used the email address in his licensing records and provided an updated email address. The Division did not receive a response from Diab on or before December 18, 2023.

18. On December 20, 2023, the investigator emailed Diab at his newly provided email address advising that the Division had not received Diab's response. Diab replied by email later that day indicating he was ill and asking if he could provide responses later that evening. The investigator replied to Diab's email stating that Diab may still submit his response for the Division's review. That night, Diab emailed his response with 15 attachments denying any wrongdoing and denying that he submitted fraudulent applications. The attachments included Diab's answers to the Division's TFC; Diab's answers to Freedom's Life's October 6, 2023 questionnaire; a copy of Walker's insurance application; screenshot photos of the Utah Insurance Division emailing Diab regarding Walker's complaint; and screenshot photos allegedly between Diab and Walker regarding her application.

South Dakota Action

19. On October 22, 2024, the South Dakota Division of Insurance ("SD DOI") filed a Consent Order finding that Diab fraudulently submitted

applications to an insurer and that Diab failed to timely respond to SD DOI's February 22, 2024, and March 28, 2024, requests for explanation. Diab consented to the permanent revocation of his nonresident South Dakota insurance producer license.

20. To date, Diab has not reported the South Dakota licensing action to the Division.

Delaware Action

21. On November 12, 2024, Delaware's Division of Insurance filed a Final Decision and Order finding that Diab failed to timely respond to regulatory inquiries. The Delaware Division of Insurance permanently revoked his nonresident insurance producer license.

22. To date, Diab has not reported the Delaware licensing action to the Division.

Id., at pp. 1-5. Pursuant to Diab's consent to service of process, the Commissioner of Insurance, Douglas Ommen, was served with the Statement of Charges on April 10, 2025. The Statement of Charges was also sent via restricted certified mail to an address provided by Diab and noted in IID's licensing record for Diab. On April 14, 2025, the United States Postal Service notified the Division that it was unable to deliver the mailing due to "no access to delivery location" and the mailing was returned to the Division. Mot. Exs. 1-3. On April 15, the Division resent the Statement of Charges via restricted mail and first-class mail. USPS notified the restricted mailing could not be delivered because "no authorized recipient available." The first-class mailing has not been returned to the Division. Mot Exs. 4-6. The Division further emailed the Statement of Charges to an email address Diab provided in his Division licensing record. The Division received no notification that the email failed to be delivered. Mot. Ex. 7. On April 11, the Division sent a copy of the Statement of Charges to an address associated with Diab that the Division found via a public records search. On April 28, the Division received notification that the mailing was delivered and signed for by an "Ameer J." Mot Exs. 10-11. Diab failed to file an answer within 20 days, and has otherwise failed to participate.

On May 8, 2025, IID filed a Motion for Default, arguing that Diab was in default due to his failure to file an answer and requesting a finding in its favor on the charged counts. Mot. at pp. 3-4. Specifically, IID requested: the revocation of Diab's insurance producer license with a cease and desist from engaging in the business of insurance in Iowa; a civil penalty in the amount of \$250.00; and \$1,727.75 in investigation and prosecution costs. Id., at p. 5. Diab 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 Diab was properly served the Statement of Charges and Notice of Hearing, thereby triggering the duty to file an answer within 20 days. Diab designated the Commissioner as an agent for service of process at the time he applied for a non-resident insurance producer license with the Division. For persons who have consented in writing to have the Commissioner accept service of process on their behalf, delivery of the notice of hearing is accomplished at the time the notice of hearing is signed by the Commissioner. 191 I.A.C. § 3.5(1)(c). IID further attempted to send via restricted mail the Statement of Charges to Diab’s address of record with the Division, but the mailing was returned. IID then successfully mailed the Statement of Charges to Diab’s address with the Division by first-class mail and by restricted mail to an address found through a public search. The Statement of Charges was further successfully emailed to Diab to his email address on record with the Division. 191 I.A.C. § 3.5(1)(b). Second, the record also demonstrates Diab 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 Diab has been made aware of this matter, as not only did IID communicate with him during the investigation, but it also mailed and emailed the relevant documents to Diab’s addresses. IID provided documentation that Diab 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 Diab's producer license be immediately revoked with a cease and desist order on engaging in the business of insurance in Iowa; civil penalty of \$250.00; and payment of the costs of investigation and prosecution in the amount of \$1,727.75. 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

ORDER

IT IS HEREBY ORDERED:

- A. Ameer Diab, 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. Ameer Diab's insurance producer license is immediately revoked pursuant to Iowa Code §§ 522B.11;
- C. Ameer Diab shall immediately cease and desist from engaging in the business of insurance in Iowa pursuant to Iowa Code § 522B.17;
- D. A civil penalty in the amount of \$250.00 is assessed against Ameer Diab, 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 and 522B.17, and 191 I.A.C. 10.20(5);
- E. Costs of the investigation and prosecution of this matter are assessed against Ameer Diab in the amount of \$1,727.75, 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 §§ 522B.17 and 505.8(10).

In light of this default order, further proceedings in this matter, including the prehearing conference set for June 4, 2025, are hereby CANCELLED. The Iowa Insurance Division shall take all necessary action to implement this decision.

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.

cc: Ameer Diab, 5820 Church, Apt. 443, Tampa, FL 33614,
ameerdiab13@gmail.com (By Mail and Email)
Meara Kearney, Attorney for IID (By AEDMS)
Brooke Hohn, IID (By AEDMS)

NOTICE

Default decisions or decisions rendered on the merits after a party has failed to appear or participate constitute final division action unless one of the following occurs: (1) the presiding officer otherwise orders, (2) a motion to vacate the default decision is filed within 15 days after the date of notification or mailing of the decision in accordance with rule 191—3.12(17A), or (3) an appeal to the commissioner of a proposed default decision is filed in accordance with rule 191—3.27(17A). A motion to vacate must be filed and served on all parties and state all facts relied upon by the moving party which establish that good cause existed for that party's failure to appear or participate at the contested case proceeding. Each fact so stated must be substantiated by at least one sworn affidavit of a person with personal knowledge of each such fact, which affidavit(s) must be attached to the motion.²

² Iowa Administrative Code 191—3.22(3).

Case Title: IN THE MATTER OF AMEER J. DIAB (120685)

Case Number: 25IID0009

Type: Proposed Decision

IT IS SO ORDERED.

A handwritten signature in cursive script, reading "J. Sarajlija". The signature is written in black ink and is positioned above a horizontal line.

Jasmina Sarajlija, Administrative Law Judge