

**FILED**

JUN 11 2025

COMMISSION OF INSURANCE  
INSURANCE DIVISION OF IOWA

## BEFORE THE IOWA INSURANCE COMMISSIONER

IN THE MATTER OF	)	
	)	Division Case No. 120524
	)	
MICHAEL K. KINGSTON	)	<b>ORDER AND CONSENT TO ORDER</b>
NPN 11979453,	)	
DOB 09/10/XXXX,	)	
	)	
Respondent.	)	

**NOW THEREFORE**, upon motion of the Iowa Insurance Division (“Division”) and by consent of Respondent Michael K. Kingston (“Kingston”), and 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. Kingston is an individual with a last known residence address of 2027 N. 55th St., Omaha, NE 68104.
3. Kingston was licensed in the state of Iowa as a nonresident insurance producer from January 9, 2015, until his license expired on September 30, 2023. Kingston was licensed under National Producer Number 11979453.
4. Pursuant to Iowa Code § 522B.11(5), the Commissioner may enforce the provisions of Iowa Code chapter 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 lapsed by operation of law.”
5. Pursuant to Iowa Code § 505.28, Respondent consented to the jurisdiction of the Commissioner of Insurance by committing acts governed by chapter 522B.

6. From on or about January 31, 2023, to present, Kingston engaged in acts and practices constituting cause for probation, suspension, or revocation of his insurance producer license; cease and desist orders; and civil penalties or other relief under Iowa Code chapters 505, 522B, and rules adopted pursuant to these chapters.

## **II. FINDINGS OF FACT**

7. Kingston 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, Kingston designated the Commissioner as an agent for service of process.

8. The Division issued Kingston a license as a nonresident insurance producer on January 9, 2015. Kingston was assigned National Producer Number 11979453.

9. Kingston was employed by a captive agency for State Farm Fire & Casualty Company ("State Farm"), as an Agent Team Member from November 1, 2013, until June 2, 2023, when he was terminated for cause. M.D. was the agency owner and Kingston's supervisor.

10. In or around April 2023, State Farm commenced an internal investigation into concerns involving commercial policies with impact resistant roofing discounts associated with the captive agency.

11. State Farm's investigation determined that Kingston had submitted falsified Impact Resistant Roofing forms ("IRR Forms") alongside applications for commercial property insurance that stated that the properties had impact resistant roofing (a requirement for coverage per State Farm policy), and submitted an application for a Rental Dwelling Policy ("RDP") that inaccurately reported the number of units in an apartment complex.

*Submitting a Falsified IRR Form with a Commercial Policy Application*

12. On February 7, 2023, Kingston exchanged several emails with J.F., a representative of a Texas-based company ("Company C"), a potential insured discussing potential insurance coverage for an apartment complex located in Omaha, NE.

13. In an email to Kingston, J.F. advised that his colleague had attempted to obtain coverage for the apartment complex but that State Farm "declined to quote it due to the type of shingles."

Kingston replied, "Thanks [J.F.]. Out of curiosity though what are the type of shingles on the roof? Frankly not many agents are very familiar with the intricacies of the Commercial guidelines, not a dig against them, its [sic] just most don't live in this world every day like I do." J.F. advised that the property had GAF Timberline HD Shingles (2020). Kingston wrote in a subsequent email, "Yah I think we would be okay then, the Timberline GAF is on the product list."

14. GAF Timberline HD Shingles (2020) were not on State Farm's list of approved impact resistant shingles.

15. On or about March 7, 2023, Kingston submitted an application for commercial property insurance for the apartment complex. The application listed M. D. as the agent of record. Kingston included an IRR Form purporting to certify that the apartment complex had GAF Timberline AS II (2018) shingles installed. The IRR Form bears an electronic signature attributed to an individual, J.A., as representative of Company J., a roofing company, and is dated February 14, 2023.

16. On March 7, 2023, State Farm issued two insurance policies for the apartment complex, including a commercial property policy and a commercial liability umbrella policy. Kingston was paid two commissions for these transactions, \$10,896.48 for the former, and \$167.64 for the latter.

17. On May 2, 2023, a State Farm investigator spoke with J.A. of Company J. J.A. stated that he had neither inspected nor installed the roofing on the apartment complex. J.A. further stated that he did not sign the IRR Form submitted with the apartment complex's application. J.A. told the



State Farm investigator that he only uses wet-ink signatures for IRR Forms and never uses electronic signatures.

18. In a letter dated October 6, 2023, in response to a Division Request for Information (“RFI”), Kingston stated the following:

First, there were two impact roofing forms, that were inaccurate. State Farm has a hail coverage cap of \$15 million for residential properties unless the roof has impact resistant roofing. On two forms that were submitted to State Farm, the forms stated there was qualified impact resistant roofing. Upon reflection, I failed to validate that information, ignored information to the contrary, failed to follow up with the roofing company, and submitted forms that I should have first ensured were accurate. I failed to do so and it should not have occurred.

*Falsely Reporting the Number of Units on an RDP Application*

19. State Farm’s internal investigation found that Kingston submitted an application for an RDP policy that falsely reported the number of units in the apartment complex.

20. On January 24, 2023, V.B., an individual and representative of Company B., a different potential insured, sent Kingston an email inquiring about insurance for smaller properties, including “a 5-plex and a triplex in the area.” Kingston requested the addresses for the properties. V.B. responded with a list of properties, including one in Omaha, Nebraska, noted as a “5-unit house” (“the Five-Plex”). The Douglas County Nebraska property assessor lists the property as having five units.

21. On January 31, 2023, Kingston submitted an application for an RDP policy for the Five Plex. The application stated that the Five-Plex had two living units in the complex. Attached to the application was a report from Trulia, an online real estate listing website. The Trulia report indicated that the Five-Plex had five units.

22. When State Farm investigators confronted Kingston with the Five-Plex application and his emails with V.B., Kingston told State Farm that he was unsure why the application reflected only two units.

23. In a letter dated October 6, 2023, in response to a Division Request for Information (“RFI”), Kingston stated that he “made errors on rental dwelling policies” and “on one form I submitted it has a two-dwelling unit despite having an email from the insured indicating that it was a five-dwelling unit.” Kingston described the inaccurate statements as “typographical errors” and maintained that he did not intend to deceive State Farm.

24. Kingston was paid a commission of \$256.56 from the sale of the Five-Plex policy.

*Other State Action*

25. On February 28, 2024, Kingston entered into a Consent Order with the Department of Insurance for the state of Nebraska (“Nebraska DOI”). The petition against Kingston alleged the same facts as contained herein. Kingston provided a written statement to the Nebraska DOI making the same statements as described in paragraphs 18 and 23 above. In the consent order, Kingston admitted to violating Neb. Rev. Stat. §§ 44-4059(1)(b), 44-4059(1)(g), and 44-4059(1)(h) through “incompetence and oversight, but denie[d] that his conduct was in any way fraudulent.”

26. Kingston agreed to resolve the matter by paying an administrative penalty of \$2,000. No action was taken against Kingston’s Nebraska insurance producer license. Kingston timely reported this action to the Division.

**III. CONCLUSIONS OF LAW**

**COUNT I**

**Using Fraudulent, Coercive, or Dishonest Practices or  
Demonstrating Incompetence or Untrustworthiness**

27. Under Iowa Code § 522B.11(1)(h), a license may be subject to probation, suspension, or revocation and civil penalties may be levied, as provided in Iowa Code § 522B.17, for using fraudulent, coercive, or dishonest practices, or demonstrating incompetence, untrustworthiness, or financial irresponsibility in the conduct of business.

28. Kingston engaged in fraudulent, coercive, or dishonest practices, or demonstrated incompetence, untrustworthiness, or financial irresponsibility, by submitting an IRR Form that falsely reported the presence of impact-resistant shingles and included a signature that was not genuine in connection with an application for insurance. Kingston failed to validate that information, ignored information to the contrary, failed to follow up with the roofing company, and submitted forms that he should have first ensured were accurate. Kingston was paid commissions totaling \$11,064.12 from the sale of two policies for the apartment complex for which Kingston submitted the IRR Form.

29. Kingston engaged in fraudulent, coercive, or dishonest practices, or demonstrated incompetence, untrustworthiness, or financial irresponsibility, by falsely reporting the number of units for the Five-Plex on an application for insurance. Kingston was paid a commission of \$256.56 from this transaction.

30. Kingston's acts and practices violated Iowa Code § 522B.11(1)(h) subjecting Kingston to probation, suspension, or revocation of Kingston's insurance producer license, the imposition of a civil penalty, an order requiring Kingston to cease and desist from engaging in such acts or practices, an order of restitution, 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**  
**Violating Insurance Laws of Another State**

31. 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 violating any insurance laws, or violating any regulation, subpoena, or order of the commissioner or of a commissioner of another state.



32. Kingston violated three insurance laws in the state of Nebraska, including Neb. Rev. Stat. §§ 44-4059(1)(b), 44-4059(1)(g), and 44-4059(1)(h). Kingston admitted to these violations in a signed Consent Order with the state of Nebraska Department of Insurance.

33. Kingston's acts and practices violated Iowa Code § 522B.11(1)(b) subjecting Kingston to probation, suspension, or revocation of Kingston's insurance producer license, the imposition of a civil penalty, an order requiring Kingston to cease and desist from engaging in such acts or practices, an order of restitution, 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**

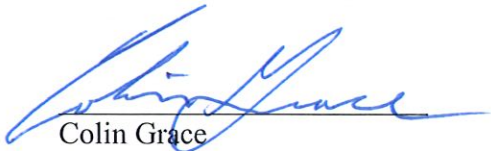
**WHEREFORE, IT IS ORDERED** pursuant to the powers granted to the Commissioner of Insurance by Iowa Code chapter 522B:

- A. Kingston's Iowa nonresident insurance producer license is immediately revoked pursuant to Iowa Code § 522B.11;
- B. Kingston, pursuant to Iowa Code § 522B.17, shall immediately cease and desist from engaging in the business of insurance in the state of Iowa;
- C. Kingston shall, contemporaneously with this Order, pay the amount of \$1,307.50 for the costs of investigation of this matter pursuant to Iowa Code § 505.8. Payment shall be made payable to the Iowa Insurance Division, to be credited to the Iowa Insurance Enforcement Fund to provide funds for insurance enforcement and education; and
- D. These orders may be enforced under Iowa Code chapter 522B, including but not limited to Iowa Code § 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.

SO ORDERED on the 11<sup>th</sup> day of June, 2025.

  
DOUGLAS M. OMMEN  
Iowa Insurance Commissioner

Respectfully submitted,

  
Colin Grace

Iowa Insurance Division  
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Phone: (515) 654-6560  
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**ATTORNEY FOR THE DIVISION**

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**ATTORNEY FOR 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 June 12, 2025.

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

Signature:   
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, in the state of Iowa, 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 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 license 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

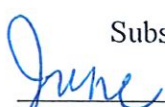
I, Michael K. Kingston, Respondent in this matter, have read, understood, and do knowingly consent to this Order in its entirety. I understand and acknowledge I have the right to consult with an attorney on this matter if I choose to do so, and I acknowledge that the Division cannot provide me an attorney,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

Dated: 06/10/2025

  
Michael K. Kingston Respondent

2027 N 55<sup>th</sup> St, Omaha, NE 68104  
Address of Signatory

 Subscribed and sworn before me by Michael K. Kingston on this 10<sup>th</sup> day of June, 2025.



Notary Public for the State of

  
Nebraska