

**FILED**

AUG 05 2025

COMMISSION OF INSURANCE  
INSURANCE DIVISION OF IOWA

## BEFORE THE IOWA INSURANCE COMMISSIONER

IN THE MATTER OF

Division Case No. 125326

HOANG HA,  
NPN 20521354  
DOB 09/20/XXXX**FINAL ORDER**

Respondent.

NOW THEREFORE, the Commissioner takes up for consideration the attached Amended Proposed Default Order of Administrative Law Judge, Jasmina Sarajlija of the Iowa Department of Inspections and Appeals show as filed on July 16, 2025.

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

IT IS FURTHER ORDERED that Hoanh Ha has 30-days from the date of this Order to pay civil penalties of \$300.00, and investigation and prosecution costs of \$824.25.

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 5<sup>th</sup> day of August, 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](mailto:Meara.kearney@iid.iowa.gov)

Amanda Robinson  
Iowa Insurance Division  
1963 Bell Avenue, Suite 100  
Des Moines, IA 50315  
[Amanda.robinson@iid.iowa.gov](mailto:Amanda.robinson@iid.iowa.gov)  
**ATTORNEYS FOR THE DIVISION**

Hoang Ha  
4179 Amir Street  
Houston, TX 77072  
[Hoang\\_ha1988@yahoo.com](mailto:Hoang_ha1988@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 August 5, 2025.

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

Signature: Brooke Hohn  
Brooke Hohn





8. Ha was appointed with New York Life Insurance Company ("NYL") from November 22, 2022, to June 12, 2024, when he resigned pending an investigation of misconduct and his appointment was terminated.

9. On July 9, 2024, NYL notified the Division of Ha's termination, which occurred during an investigation into multiple alleged violations of NYL company policy that occurred from March 7, 2023, to May 28, 2024.

#### *Division Investigation*

10. On July 23, 2024, a Division investigator sent Ha a Request for Information letter ("RFI") and a Termination for Cause Questionnaire ("TFC") via the business and personal email addresses provided in his licensing records. The Division investigator requested a response within ten days.

11. On July 23, 2024, the Division received notification that the email failed to be delivered to Ha's business email; no such notification was received for the email sent to Ha's personal email.

12. On August 28, 2024, a Division investigator sent Ha another copy of the RFI and TFC via FedEx to the address noted in his licensing records as his residence and mailing address.

13. On August 29, 2024, FedEx successfully delivered the RFI and TFC to Ha's mailing and residence address of record. The package was signed for by "H. Hoang."

14. On September 11, 2024, a Division investigator called Ha at the phone number listed in his licensing record as his residence and business phone number and left a voicemail requesting Ha to return the investigator's call.

15. On October 2, 2024, a Division investigator sent a follow-up letter to Ha via FedEx to the mailing and residence address noted in his licensing record, which included another copy of the RFI and TFC. The follow-up letter advised Ha to respond within ten days.

16. On October 3, 2024, FedEx successfully delivered the follow-up letter, RFI, and TFC to Ha's mailing and residence address of record. The package was signed for by "H. Ha."

17. On October 30, 2024, a Division investigator again called Ha, leaving a detailed voicemail requesting Ha's cooperation in the Division's investigation regarding Ha's termination from NYL.

18. To date, Ha has not responded to any of the Division's communication attempts.



Id., at pp. 1-3. Pursuant to Ha's consent to service of process, the Commissioner of Insurance, Douglas Ommen, was served with the Statement of Charges on May 19, 2025. The Statement of Charges was also sent via restricted certified mail to an address provided by Ha and noted in IID's licensing record for Ha. On June 3, 2025, the United States Postal Service notified the Division that the mailing was delivered and signed for by "Hoang." Mot. Exs. 1-2. Ha failed to file an answer within 20 days, and has otherwise failed to participate.

On June 18, 2025, IID filed a Motion for Default Order, arguing that Ha was in default due to his failure to file an answer and requesting a finding in its favor on the charged count. Mot. at pp. 2-4. Specifically, IID requested: the revocation of Ha'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 \$300.00; and \$824.25 in investigation and prosecution costs. Id., at pp. 3-4. Ha 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 Ha was properly served the Statement of Charges and Notice of Hearing, thereby triggering the duty to file an answer within 20 days. Ha 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 successfully mailed the Statement of Charges via restricted certified mail to Ha's address of record with the Division. 191 I.A.C. § 3.5(1)(b). Second, the record also demonstrates Ha 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 Ha has been made aware of this matter, as not only did IID attempt to communicate with him during the investigation, but it also mailed the relevant documents to Ha's address of record. IID provided documentation that Ha 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 Ha's producer license be immediately revoked with a cease and desist order on engaging in the business of insurance in Iowa; civil penalty of \$300.00; and payment of the costs of investigation and prosecution in the amount of \$824.25. 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.<sup>1</sup>

### **ORDER**

#### **IT IS HEREBY ORDERED:**

- A. Hoang Ha, 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. Hoang Ha's insurance producer license is immediately revoked pursuant to Iowa Code § 522B.11;
- C. Hoang Ha 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 \$300.00 is assessed against Hoang Ha, made payable to the Iowa Insurance Division, to be credited to the Iowa Insurance Enforcement

---

<sup>1</sup> 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.

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 Hoang Ha in the amount of \$824.25, 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 §§ 522B.17 and 505.8(10).

In light of this default order, further proceedings in this matter, including the prehearing conference set for July 16, 2025, are hereby CANCELLED. The Iowa Insurance Division shall take all necessary action to implement this decision.

cc: Hoang Ha, 4179 Amir St., Houston, TX 77072, hoang\_ha1988@yahoo.com (By Mail and Email)  
Meara Kearney, Amanda Robinson, Attorneys 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.<sup>2</sup>

---

<sup>2</sup> Iowa Administrative Code 191—3.22(3).



**Case Title:** IN THE MATTER OF HOANG HA (125326)  
**Case Number:** 25IID0012  
**Type:** Proposed Decision

IT IS SO ORDERED.

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

---

Jasmina Sarajlija, Administrative Law Judge