

Iowa Department of Inspections and Appeals
Division of Administrative Hearings
Wallace State Office Building – Third Floor
Des Moines, Iowa 50319

IN THE MATTER OF) Docket No. 13IID012
)
SHANNON TRUCKE,) **DEFAULT ORDER**
 Respondent.)

The Iowa Insurance Division granted Respondent Shannon Trucke an insurance producer's license in 2005. On June 10, 2013, Trucke was served with a Notice of Telephone Hearing and Statement of Charges. The Statement of Charges was prepared by the Insurance Division. In the Statement of Charges the Insurance Division alleges Trucke was terminated in November 2011 from an insurance agency after she admitted she falsified an insurance billing statement and policy. The Division asserts upon her termination, the agency discovered another falsified document.

Trucke sent the Division a letter dated December 14, 2012, agreeing to cooperate with the Division's process of seeking revocation of her license. The Division alleges Trucke failed to cooperate.

In the Statement of Charges, the Division contends Trucke violated: (1) Iowa Code section 522B.11(1)*g* by committing an unfair trade practice or fraud; (2) Iowa Code section 522B.11(1)*h* by using fraudulent, coercive, or dishonest practices or demonstrating incompetence, untrustworthiness, or financial irresponsibility in the conduct of business; (3) Iowa Code section 522B.11(1)*j* by forging another's name to any document related to an insurance transaction; and (4) Iowa Code section 522B.11(1)*g*, *h*, and *j* by falsifying insurance billing statements and policies.

A contested case hearing was scheduled for July 30, 2013 at 1:00 p.m. Attorney Michelle Engler appeared on behalf of the Insurance Division. Trucke did not appear. I waited 5 minutes for Trucke to join the call before releasing Engler. I also waited an additional 10 minutes to accommodate a late call from Trucke. She did not call. The administrative file shows Trucke was properly served in this matter.

CONCLUSIONS OF LAW

The Insurance Commissioner has general control, supervision, and direction over all insurance business transacted in Iowa, and is responsible for enforcing Iowa laws relating to insurance.¹ This case involves an insurance producer's license issued to Trucke.

¹ Iowa Code § 505.8 (2011).

The Division may seek revocation of a producer's license if the producer engages in one or more the following: (1) admits or is found to have committed any unfair insurance trade practice or fraud in violation of Iowa Code section 522B.11(1)*g*; (2) uses fraudulent, coercive or dishonest practices, or demonstrates incompetence, untrustworthiness, or financial irresponsibility in the conduct of business in Iowa in violation of Iowa Code section 522B.11(1)*h*; or (3) forges another's name to an application for insurance or to any document related to an insurance transaction in violation of Iowa Code section 522B.11(1)*j*. The Statement of Charges sets forth the facts alleged by Division in support of revocation of Trucke's license.

Trucke received proper notice of the hearing, but did not appear. The administrative law judge may enter a default decision if a party fails to appear at a contested case hearing after receiving proper notice.² The Insurance Division requests revocation of Trucke's insurance producer license. Based upon Trucke's failure to appear at hearing after receiving proper notice, entry of default is proper.

ORDER

Trucke is in default because she failed to appear at the July 30, 2013 contested case hearing. Trucke's insurance producer license is hereby revoked. The Insurance Division shall take any steps necessary to implement this decision.

Dated this 31st day of July, 2013.



Heather L. Palmer
Administrative Law Judge
515-281-7183

cc: Shannon Trucke
Michelle Engler & Irene Vega

NOTICE

A default decision becomes final agency action 15 days from the date the decision was mailed unless a motion to vacate the default decision is filed within that time period.³ A motion to vacate must state all the facts upon which the moving party relies to establish good cause for failure to appear or participate at the contested case proceeding. Each fact must be substantiated by at least one affidavit by a person with personal knowledge of the fact, and the affidavit must be attached to the motion.

² 191 IAC 3.22(1).

³ *Id.* 3.22(3).