

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. 11IID029
)
CHAD ZIESMAN,) **DEFAULT ORDER**
Respondent.)

Respondent Chad Ziesman was licensed by the Iowa Insurance Division (“Division”) as an insurance producer. On November 2, 2011, Ziesman was served with a Notice of Telephone Hearing and Statement of Charges. The Statement of Charges was prepared by the Division. In the Statement of Charges the Division alleges that on September 19, 2011, Ziesman pleaded guilty to the felony of sexual exploitation of a minor in the Iowa District Court for Polk County. The Division sent Ziesman a letter regarding the incident and asking him to consent to the revocation of his insurance producer’s license or request an administrative hearing. The Division contends Ziesman failed to respond to the inquiry. The Division seeks revocation of Ziesman’s insurance producer’s license for being convicted of a felony in violation of Iowa Code section 522B.11(1)(f) and for failure to refusal to cooperate in an investigation by the Division in violation of Iowa Code section 522B.11(1)(p).

A contested case hearing was scheduled for December 5, 2011 at 8:30 a.m. Attorney John Leonhart appeared on behalf of the Division. Ziesman did not appear. I waited 5 minutes for Ziesman to join the call before releasing Leonhart. I also waited an additional 10 minutes to accommodate a late call from Ziesman. He did not call. The administrative file shows Ziesman 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 Ziesman.

The Division may revoke an insurance producer’s license for “having been convicted of a felony” in Iowa, and for “failing or refusing to cooperate in an investigation by the commissioner.”²

Ziesman 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

¹ Iowa Code § 505.8 (2011).

² Iowa Code §§ 522B.11(1)f, p.

hearing after receiving proper notice.³ The Division seeks to revoke Ziesman's insurance producer's license. Based upon Ziesman's failure to appear at hearing after receiving proper notice, entry of default is proper.

ORDER

Ziesman is in default because he failed to appear at the December 5, 2011 contested case hearing. Ziesman's insurance producer's license is hereby revoked. The Division shall take any steps necessary to implement this decision.

Dated this 5th day of December, 2011.



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

cc: Christina Hazelbaker and John Leonhart (*via electronic mail*)
Chad Ziesman

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.⁴ 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.

³ 191 IAC 3.22(1).

⁴ *Id.* 3.22(3).