

BEFORE THE IOWA INSURANCE COMMISSIONER

IN THE MATTER OF)	Division Case No. 85601
)	
GIOVANNI R. JEAN-BAPTISTE)	FINAL ORDER OF REVOCATION,
NPN 16993181,)	CEASE AND DESIST AND CIVIL
Respondent)	PENALTY

This matter came before the Commissioner of Insurance on November 6, 2015, at 9:00 a.m. The Division appeared by Compliance Attorney John Leonhart. The respondent, Giovanni R. Jean-Baptiste, did not file an answer to the statement of charges, did not defend the Division's motion for default order and did not appear at this hearing to defend the statement of charges. After being fully informed of the matter, the Commissioner issues the following findings of fact, conclusions of law, and order of revocation and to cease and desist with civil penalties:

PARTIES AND JURISDICTION

1. The Commissioner of Insurance, Nick Gerhart, administers and enforces the Iowa Licensing of Insurance Producers Act – Iowa Code Chapter 522B and the Iowa Administrative Code 191 – Chapter 13 pursuant to Iowa Code § 505.8. Commissioner Gerhart has designated the Iowa Insurance Division (“Division”) to seek enforcement of these provisions.
2. Giovanni R. Jean-Baptiste (“Jean-Baptiste”) is an individual with a last-known address of 1 Tuscany Drive, Jackson, New Jersey 08527.
3. The Division filed a statement of charges alleging violations of law and grounds for license discipline under Iowa Code, Chapter 522B.

FINDINGS OF FACT

4. On June 26, 2013, Jean-Baptiste applied for a non-resident producer license by submitting through the National Insurance Producer Registry a Uniform Application for Individual Insurance Producer License (“Application”).
5. In submitting the Application, Jean-Baptiste designated the Commissioner as an agent for service of process.
6. Jean-Baptiste was issued his non-resident insurance producer license from the state of Iowa on June 26, 2013 and was assigned national producer number 16993181.
7. On his application for licensure, Jean-Baptiste answered “no” to the background question of “Have you ever been convicted of a crime?”
8. This answer was false as Jean-Baptiste had entered a guilty plea to two counts of forgery, 3rd degree, on September 22, 2008 in the Superior Court of New Jersey, Monmouth County, and possession of a device to defraud administration of a drug test on May 21, 2010 in the Superior Court of New Jersey, Ocean County. Jean-Baptiste also pled guilty to a violation of probation on March 9, 2012 in the Superior Court of New Jersey, Ocean County.
9. These criminal offenses required Jean-Baptiste to obtain from the New Jersey Department of Insurance a written consent to work in the business of insurance under 18 U.S.C. § 1033(e) and (f). Jean Baptiste did not inform the Division that a written consent had been issued by New Jersey.
10. Jean-Baptiste had his non-resident producer license revoked by the state of Virginia. He also had a license denial in the state of Wisconsin based on his criminal record and history. To date, Jean Baptiste has not reported to the Commissioner these administrative actions taken by Virginia and Wisconsin.

11. On August 24, 2015, the Division filed a statement of charges against Jean-Baptiste.
12. Pursuant to Jean-Baptiste's consent to service of process, the Commissioner was served with the statement of charges on August 24, 2015. The Commissioner issued a notice of hearing scheduling a contested case for November 6, 2015.
13. The Commissioner mailed notification of the statement of charges and the notice of hearing to the last known address provided by Jean-Baptiste in his licensing record.
14. On August 29, 2015, Jean-Baptiste accepted the notice of hearing and statement of charges by restricted certified mail delivery from the United States Postal Service.
15. Jean-Baptiste has not filed an answer, nor any other responsive pleading to the statement of charges.

CONCLUSIONS OF LAW

16. A party to a contested case action may move for default against a party when the party fails to file a required pleading or has failed to appear after proper service. 191 IAC 3.22(2). Jean-Baptiste has not filed an answer or any responsive pleading after proper service.
17. Under Jean-Baptiste's consent to service of process and his acceptance of the notice of hearing and statement of charges by restricted certified mail, Jean-Baptiste was properly served as required by 191 IAC 3.5(1).
18. The Division's motion for default should be granted.
19. Jean-Baptiste used fraudulent or dishonest practices or demonstrated untrustworthiness in the conduct of insurance in violation of Iowa Code § 522B.11(1)(h) (2015).
20. The violation of Iowa Code Chapter 522B and applicable rules is grounds for revocation, suspension, censure, and/or the imposition of a civil penalty and an order requiring such person

to cease and desist from the acts, methods or practices stated in the statement of charges pursuant to Iowa Code §§ 522B.11 and 522B.17.

21. Jean-Baptiste failed to report to the Commissioner administrative actions taken in other jurisdictions within thirty days of the final disposition of the matters in violation of Iowa Code § 522B.16 (2015) and Iowa Administrative Code 191-10.13.

22. The violation of Iowa Code Chapter 522B and Iowa Administrative Code Chapter 10 is grounds for revocation, suspension, censure and/or imposition of a civil penalty and order requiring such person to cease and desist for the acts, methods or practices stated in the statement of charges pursuant to Iowa Code §§ 522B.16 and 522B.17 and Iowa Administrative Code 191-1013.

23. This hearing procedure was governed by Iowa Code §§ 17A.12, 522B.11 and 522B.17; and 191 IAC Ch. 3.

ORDER

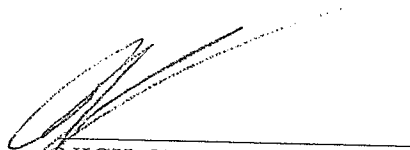
IT IS HEREBY ORDERED that Jean-Baptiste is in Default.

IT IS FURTHER ORDERED that an order of revocation is entered against Jean-Baptiste and his Iowa insurance producer license is hereby REVOKED. The Insurance Division shall take any steps necessary to implement this decision.

IT IS FURTHER ORDERED that Jean-Baptiste shall cease and desist from engaging in any of the acts, methods or practices determined as violations herein or from transacting the business of insurance in this state.

IT IS FURTHER ORDERED that Jean-Baptiste shall pay to the State of Iowa, Insurance Division, a civil penalty in the amount of \$1,000.

Dated this 6 date of November, 2015.


NICK GERHART
Commissioner of Insurance

NOTICE

A default decision becomes final agency action 15 days from the date of the decision was mailed unless a motion to vacate the default decision is filed within that time period. 191 IAC 3.22(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.