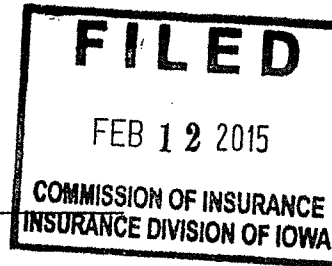


BEFORE THE IOWA INSURANCE COMMISSIONER



IN THE MATTER OF) ORDER AND CONSENT TO
ORDER)
JEANNE E. RIEKS)
NPN # 6887372) DIVISION FILE NO.: 85614

The Iowa Insurance Division ("Division") pursuant to the provisions of the Iowa Licensing of Insurance Producers Act – Iowa Code Chapter 522B has sought the entry of this Order.

PARTIES AND JURISDICTION

1. The Commissioner of Insurance, Nick Gerhart, enforces the Iowa Licensing of Insurance Producers Act, Iowa Code Chapter 522B, pursuant to Iowa Code § 505.8 (2013).
2. Jeanne E. Rieks ("Rieks") is an individual with a last known mailing address of 14434 Hwy 65, Iowa Falls, Iowa 50126.
3. Rieks is and has been a licensed insurance producer in the state of Iowa since October 8, 1998.

FACTUAL ALLEGATIONS

4. Rieks' appointment with American Family Mutual Insurance Company ("American Family") was terminated for cause effective May 7, 2014. American Family alleged that Rieks had committed fraud in the issuance of certain insurance policies.
5. On July 14, 2009, Rieks issued a certificate of liability of insurance ("2009 Certificate of Insurance") to Client A's business for coverage on two or more school

buses. The 2009 Certificate of Insurance stated that it is effective for the period July 16, 2009 through August 3, 2009 and was requested by Client A as needed proof of insurance to the school district in order to operate the buses. The 2009 Certificate of Insurance indicated that it was for \$5,000,000 of coverage for bodily injury and property damage combined.

6. On July 7, 2010, Rieks issued a certificate of liability insurance ("2010 Certificate of Insurance") to Client A for insurance coverage on two or more buses. The 2010 Certificate of Insurance stated that it was effective for July 9, 2010 through July 27, 2010 and was requested by Client A as needed proof of insurance to the school district in order to operate the buses. The 2010 Certificate of Insurance states that it was for \$1,000,000 of bodily injury per accident and \$100,000 of property damage coverage.

7. On July 8, 2011, Rieks issued a certificate of liability insurance ("2011 Certificate of Insurance") to Client A's business for insurance coverage on two or more buses. The 2011 Certificate of Insurance states that it was effective for July 11, 2011 through August 1, 2011 and was requested by Client A as needed proof of insurance to the school district in order to operate the buses. The 2011 Certificate of Insurance stated that it was for \$1,000,000 of bodily injury per accident and \$1,000,000 of property damage coverage.

8. On July 2, 2012, Rieks issued a certificate of liability insurance ("2012 Certificate of Insurance") to Client A's business for insurance coverage on two or more buses. The 2012 Certificate of Insurance states that it was effective for July 2, 2012 through August 2, 2012 and was requested by Client A as needed proof of insurance to the school district in order to operate the buses. The 2012 Certificate of Insurance stated that it was for \$5,000,000 of bodily injury per accident and \$500,000 of property damage coverage.

9. On July 15, 2013, Rieks issued a certificate of liability insurance ("2013 Certificate of Insurance") to Client A's business for insurance coverage on two or more buses. The 2013 Certificate of Insurance stated that it was effective for July 16, 2013 through August 16, 2013 and was requested by Client A as needed proof of insurance to the school district in order to operate the buses. The 2013 Certificate of Insurance stated that it was for \$5,000,000 of bodily injury per accident and \$500,000 of property damage coverage.

10. American Family has no record of any coverage being issued for Client A's business.

11. During the time period 2009 through 2013, Rieks received a total of \$191 in premiums from Client A or Client A's business for the issuances of the 2009, 2010, 2011, 2012 and 2013 certificates of insurance. Rieks accepted checks for the coverage and deposited those checks into her business account. Rieks did not forward these payments to American Family or other producer and instead retained those funds for her own personal use.

12. On October 27, 2014, Rieks appeared at the offices of the Division and provided answers to questions by an attorney and investigator with the Division. During the interview, Rieks was shown the 2009, 2010, 2011, 2012 and 2013 certificates of insurance and asked about the circumstances surrounding the issuance of the certificates of insurance to Client A. Rieks stated that she had not taken or submitted an application for this coverage, and that no policy for this coverage had been issued by American Family.

13. In Rieks' written statement to the Division dated July 3, 2014, Rieks stated that American Family did not issue short term policies so she gave Client A's business to an independent agent friend to obtain the insurance. During Rieks interview, she was

asked to identify the independent agent and to provide proof that premium payments had been forwarded to the independent agent to obtain insurance coverage. Rieks responded by refusing to provide the identity of the independent agent used to obtain coverage for Client A or Client A's business. She also refused to provide evidence that a premium for the coverage was forwarded to this independent agent or that any coverage had been issued by that independent agent.

14. Rieks made false statements in her written statement to the Division by stating that:

- a. An independent agent had assisted Rieks in obtaining insurance coverage for Client A and Client A's business.
- b. Rieks had forwarded premiums received from Client A to the independent agent for the purpose of allowing the independent agent to pay for the insurance coverage obtained by Client A.

15. Rieks now admits that she kept the premiums totaling \$191 because she did not want to tell Client A that she could not help him by writing the short term policies he needed. These premiums have been refunded.

VIOLATIONS OF IOWA INSURANCE LAWS AND REGULATIONS

IMPROPERLY WITHHOLDING, MISAPPROPRIATING OR CONVERTING FUNDS

16. Paragraphs 1 – 15 are incorporated by reference.

17. Rieks improperly withheld, misappropriated or converted \$191 of Client A's money received in the course of doing insurance business in violation of Iowa Code § 522B.11(1)(d) (2013).

18. 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 pursuant to Iowa Code §§ 522B.11 and 522B.17 (2013).

**INTENTIONALLY MISREPRESENTING THE TERMS OF A PROPOSED INSURANCE
CONTRACT**

19. Paragraphs 1 – 18 are incorporated by reference.
20. Rieks misrepresented the terms of an actual or proposed insurance contract or application for Client A's insurance in violation of § 522B.11(1)(e) (2013).
21. 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 pursuant to Iowa Code §§ 522B.11 and 522B.17 (2013).

USING FRAUDULENT OR DISHONEST PRACTICES IN BUSINESS OF INSURANCE

22. Paragraphs 1 – 21 are incorporated by reference.
23. Rieks used fraudulent, coercive, or dishonest practices, or demonstrated incompetence, untrustworthiness, or financial irresponsibility in the conduct of business with Client A in this state in violation of Iowa Code § 522B.11(1)(h) (2013).
24. 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 pursuant to Iowa Code §§ 522B.11 and 522B.17 (2013).

STIPULATIONS

25. Jurisdiction. Rieks consents to the entry of this Order and admits that the Iowa

Insurance Division has personal jurisdiction over her and has subject matter jurisdiction over this matter.

26. Revocation and two year bar. Rieks agrees to the revocation of her insurance producer license in the state of Iowa based on the allegations made in this Order. Rieks also agrees to be barred from reapplying for an insurance producer license in the state of Iowa for a period of two years from the date this Order is signed by the Commissioner based on the allegations made in this Order.

27. Cease and Desist. Rieks agrees to cease and desist violating Iowa Code Chapter 522B and its rules based on the allegations made in this Order.

28. Civil Penalty. Rieks agrees to a civil penalty of \$1,000 payable upon the signing of this Order.

29. Interstate Insurance Services--Jeanne Rieks Agency. The Division agrees that Rieks may work as an administrative assistant at her agency during the period of her revocation. As an administrative assistant, Rieks understands that she cannot sell, solicit, negotiate or quote insurance to customers.

ORDER

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


1. Rieks is hereby revoked and barred from reapplying for an insurance producer license for a period of two years from the date of this Order.
2. Rieks shall cease and desist from future violations of Iowa Code Chapter 522B and its rules.
3. Rieks shall pay a civil penalty of \$1,000 to the Division contemporaneous with the issuance of this Order. The check shall be made payable to the Iowa Insurance Division

and


remitted along with the signed Consent to Order to the Iowa Insurance Division, Two
Ruan
Center, 601 Locust Street, 4th Floor, Des Moines, IA 50309 with attention to Robert
Koppin,
Enforcement Bureau Chief.

4. Nothing contained in this Order shall in any way limit the Division to institute
administrative or legal action against Rieks for any past conduct or future activity in
violation of Iowa laws and regulations.

Dated this 12 day of February, 2015.



NICK GERHART
Iowa Insurance Commissioner



Robert Koppin
Enforcement Bureau

Chief

CONSENT TO ORDER

I, Jeanne E. Rieks, have read, understood, and do knowingly consent to this Order in its entirety. By executing this consent, 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 also understand that this Order is considered final administrative action that shall be reported by the Division to the National Association of Insurance Commissioners and to all insurance companies with which I am actively appointed. I also understand that this Order is a public record under Iowa Code Chapter 22 (2013), that will be disclosed to other state regulatory authorities, upon request, pursuant to Iowa Code § 505.8(8)(d) (2013). I also understand that the information contained in the Order will be posted to the Division's web site and a notation will be made to the publicly available web site record that administrative action has been taken against me.

Dated this 6th day of February, 2015.

Jeanne E. Rieks
Jeanne E. Rieks

Printed Name

14434 Highway 65 Iowa Falls IA 50126
Address of Signatory

Subscribed and sworn before me by Jeanne E. Rieks on this 6th day of
February, 2015.

Dawn England
Notary Public for the State of Iowa

