

191—55.12(522C) License denial, nonrenewal or revocation.

55.12(1) The commissioner may place on probation, suspend, revoke or refuse to issue or renew a public adjuster's license; may levy a civil penalty in accordance with Iowa Code section 505.7A; or may take corrective action pursuant to Iowa Code section 505.8, or any combination of actions, for any one or more of the following causes:

- a.* Providing incorrect, misleading, incomplete, or materially untrue information in the license application;
- b.* Failing to complete continuing education as required by rule 191—55.11(522C);
- c.* Violating any insurance laws, or violating any regulation, subpoena, or order of the commissioner or of another state's insurance commissioner;
- d.* Obtaining or attempting to obtain a license through misrepresentation or fraud;
- e.* Improperly withholding, misappropriating, or converting any moneys or properties received in the course of doing adjuster business;
- f.* Intentionally misrepresenting the terms of an insurance contract;
- g.* Having been convicted of a felony;
- h.* Having admitted to or having been found to have committed any insurance unfair trade practice or insurance fraud;
- i.* Using fraudulent, coercive or dishonest practices; or demonstrating incompetence, untrustworthiness or financial irresponsibility in the conduct of business in this state or elsewhere;
- j.* Having an insurance license or a public adjuster license, or the equivalent, denied, suspended, or revoked in any other state, province, district or territory;
- k.* Cheating, including improperly using notes or any other reference material, to complete an examination for any adjuster license;
- l.* Failing to comply with an administrative or court order imposing a child support obligation, following procedures of rule 191—10.21(252J,272D), replacing the word "producer" with "public adjuster";
- m.* Failing to pay state income tax or to comply with any administrative or court order directing payment of state income tax, following procedures of rule 191—10.21(252J,272D), replacing the word "producer" with "public adjuster";
- n.* Misrepresenting to a claimant that the public adjuster is an adjuster representing an insurer in any capacity, including acting as an employee of the insurer or acting as an independent adjuster, unless so appointed by an insurer in writing to act on the insurer's behalf for that specific claim or purpose. A licensed public adjuster is prohibited from charging that specific claimant a fee when the public adjuster is appointed by the insurer and the appointment is accepted by the public adjuster;
- o.* Failing to maintain evidence of financial responsibility as required by rule 191—55.10(522C);
- p.* For a business entity licensed as a public adjuster, failing to designate only licensed individual public adjusters to exercise the business of the business entity's license;
- q.* Failing to report to the division any notifications or actions required to be reported pursuant to rule 191—55.9(522C);
- r.* Failing to file reports required by this chapter; or
- s.* Failing or refusing to cooperate in an investigation by the division.

55.12(2) In the event that the action by the commissioner is to deny an application for or not to renew a license, the commissioner shall notify the applicant or licensed public adjuster and advise, in writing, the applicant or licensed public adjuster of the reason for the nonrenewal or denial of the applicant's or licensed public adjuster's license. The applicant or licensed public adjuster may request a hearing pursuant to 191—Chapter 3 and Iowa Code chapter 17A.

55.12(3) The license of a business entity may be suspended, revoked or refused if the commissioner finds, after hearing, that an individual licensed public adjuster's violation was known or should have been known by one or more of the partners, officers or managers acting on behalf of the business entity and the violation was neither reported to the commissioner nor corrective action taken.

55.12(4) In addition to or in lieu of any applicable denial, suspension or revocation of a license, a person may, after hearing, be subject to a civil fine pursuant to Iowa Code section 505.7A, or to other corrective action pursuant to Iowa Code section 505.8.

55.12(5) The commissioner shall retain the authority to enforce the provisions of and impose any penalty or remedy authorized by this chapter and Iowa Code chapters 505 and 522C against any person who is under investigation for or charged with a violation of this chapter and Iowa Code chapter 522C, even if the person's license has been surrendered or has lapsed by operation of law.

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