

BEFORE THE IOWA INSURANCE COMMISSIONER

IN THE MATTER OF)	Division Case No. 96498
)	
WHITNEY ROTH,)	ORDER AND
NPN 17295304,)	CONSENT TO ORDER
DOB 02/10/XXXX,)	
)	
Respondent.)	

NOW THEREFORE, upon motion of the Iowa Insurance Division (“Division”) and by the consent of Respondent Whitney Roth, pursuant to the provisions of Iowa Code Chapter 507B—Insurance Trade Practices and Iowa Code Chapter 522B—Licensing of Insurance Producers, the Commissioner enters the following Consent Order (“Order”):

I. PARTIES AND JURISDICTION

1. The Commissioner of Insurance, Doug Ommen, directly and through his designees, administers and enforces Iowa Code Chapter 507B—Insurance Trade Practices and Iowa Code Chapter 522B—Licensing of Insurance Producers, and Iowa Administrative Code Chapter 15—Unfair Trade Practices pursuant to Iowa Code § 505.8.
2. Whitney Roth (“Respondent”) is an individual with a last-known residence address of 817 20th Avenue North, Clinton, IA 52732.
3. Respondent is and has been licensed in the state of Iowa as a resident insurance producer since October 6, 2014. She is licensed under National Producer Number 17295304.
4. Pursuant to Iowa Code § 505.28, Respondent has consented to the jurisdiction of the Commissioner of Insurance by committing acts governed by chapters 507B and 522B.
5. From on or about June 2015 to July 2017, Respondent has engaged in acts and practices within the state of Iowa constituting cause for probation, suspension, or revocation of her

insurance producer license; cease and desist orders; and civil penalties or other relief under Iowa Code Chapters 507B, 522B, and rules adopted pursuant to these chapters.

II. FINDINGS OF FACT

6. Respondent applied for a resident insurance producer license with the Division by submitting through the National Insurance Producer Registry a Uniform Application for Individual Producer License (“Uniform Application”). In submitting the Uniform Application, Respondent designated the Commissioner as an agent for service of process.

7. The Division issued Respondent a license as an insurance producer on October 6, 2014 and assigned to her National Producer Number 17295304.

8. According to Respondent’s producer licensing record with the Division, Respondent’s residence address is 31249 145th Avenue, Long Grove, IA 52766.

9. In an interview with the Division’s investigator in July 2017, Respondent stated her current residence address as 814 20th Avenue North, Clinton, Iowa.

10. Respondent has been appointed with the following companies: American Income Life Insurance Company, The Independent Order of Foresters (“Foresters”), Royal Neighbors of America, and The Chesapeake Life Insurance Company (“Chesapeake Life”).

Consumers D.F. and B.B.

11. On April 23, 2015, Respondent completed separate applications for life insurance policies from American Income Life Insurance Company for Consumer D.F. and Consumer B.B.

12. On July 14, 2015, Respondent completed a paper application for Consumer D.F. for a life insurance policy from Foresters.

13. Consumer D.F. agreed to apply for a new policy but believed his first policy with American Income Life would be cancelled and was unaware that the second policy would be from Foresters.

14. Consumer D.F. did not personally sign the paper application but his signature was affixed on the Foresters' application.

15. When completing the application for Consumer D.F., Respondent affixed Consumer D.F.'s signature to the application without indicating she was doing so as his agent or with his consent.

16. On February 2, 2016, Respondent completed an application for Consumer B.B. for a life insurance policy from Foresters.

17. Consumer B.B. was not aware of the Foresters' application and did not approve of the application.

18. On the Forester application, Consumer B.B.'s listed address was incorrect. In fact, Consumer B.B. never lived at the address listed on the policy.

Consumers J.J and R.W.

19. On October 7, 2015, Respondent completed a phone interview application for a life insurance policy from Royal Neighbors of America for Consumer J.J.

20. Consumer J.J. was not aware of this policy application and did not approve of the application.

21. Consumer J.J. did not live at the address provided as part of the policy application.

22. On October 26, 2015, Respondent completed a phone interview application for a life insurance policy from Royal Neighbors of American for Consumer R.W.

23. Consumer R.W. was not aware of this policy and did not approve of the application.

24. Consumer R.W.'s middle initial, date of birth, and phone number provided as part of the phone interview were incorrect.

Consumer C.B.

25. Respondent contacted Consumer C.B. in response to Consumer C.B.'s health insurance plan queries.

26. On June 23, 2017, Respondent completed a supplemental health insurance application from Chesapeake Life for Consumer C.B.

27. Consumer C.B.'s listed date of birth and email address on the Chesapeake Life policy were incorrect.

III. CONCLUSIONS OF LAW

COUNT ONE

Improper Sales Tactics

28. The Division re-alleges and incorporates by reference paragraphs 1-27 above as though fully set forth herein.

29. Under Iowa Administrative Code rule 15.8(2)(b), "A producer shall not: (1) Execute a transaction for an insurance customer without authorization by the customer to do so."

30. Respondent submitted the applications for Consumers B.B., J.J., and R.W. without the consumers having knowledge of or approving the applications.

31. Iowa Administrative Code Chapter 15—Unfair Trade Practices establishes certain minimum standards and guidelines of conduct by identifying unfair methods of competition and unfair or deceptive acts or practices in the business of insurance, as prohibited by Iowa Code chapter 507B.

32. Under Iowa Code § 507B.3, “a person shall not engage in this state in any trade practice which is defined in this chapter, or is determined pursuant to section 507B.6 to be, an unfair method of competition, or an unfair or deceptive act or practice in the business of insurance.”

33. Respondent’s acts and practices have been in violation of Iowa Code § 507B and Iowa Administrative Rule 191—15.8(2)(b) subjecting Respondent to suspension or revocation of Respondent’s insurance producer license, to the imposition of a civil penalty, an order requiring Respondent to cease and desist from engaging in such acts or practices, the imposition of costs of the investigation and prosecution of the matter, and any other corrective action the Commissioner deems necessary and appropriate pursuant to Iowa Code §§ 507B.7 and 505.8 and Iowa Administrative Code rule 191—15.14.

COUNT TWO
Misrepresentation in Insurance Applications

34. The Division re-alleges and incorporates by reference paragraphs 1-33 above as though fully set forth herein.

35. Under Iowa Code § 507B.4(3)(n) a person is prohibited from “[m]aking false or fraudulent statements or representations on or relative to an application for an insurance policy, for the purpose of obtaining a fee, commission, money, or other benefit from any insurer, agent, broker, or individual.”

36. Respondent misrepresented identifying and contact information in the applications for Consumers B.B., J.J., R.W., and C.B.

37. Respondent’s acts and practices have been in violation of Iowa Code § 507B.3(n) subjecting Respondent to suspension or revocation of Respondent’s insurance producer license, to the imposition of a civil penalty, an order requiring Respondent to cease and desist from engaging in such acts or practices, the imposition of costs of the investigation and prosecution of

the matter, and any other corrective action the Commissioner deems necessary and appropriate pursuant to Iowa Code §§ 507B.7 and 505.8.

COUNT THREE

Using Dishonest Practices and Demonstrating Untrustworthiness

38. The Division re-alleges and incorporates by reference paragraphs 1-37 above as though fully set forth herein.

39. Under Iowa Code § 522B.11(1)(h), a license may be subject to probation, suspension, or revocation and civil penalties may be levied, as provided in Iowa Code § 522B.17, for using fraudulent, coercive, or dishonest practices or demonstrating incompetence or untrustworthiness.

40. Respondent signed Consumer D.F.'s name on the application without indicating she was signed on his behalf or with his consent.

41. Respondent's acts and practices have been in violation of Iowa Code § 522B.11(1)(h) subjecting Respondent to probation, suspension, or revocation of Respondent's insurance producer license, the imposition of a civil penalty, an order requiring Respondent to cease and desist from engaging in such acts or practices, the imposition of costs of the investigation and prosecution of the matter, and any other corrective action the Commissioner deems necessary and appropriate pursuant to Iowa Code §§ 522B.11, 522B.17, and 505.8

COUNT FOUR

Failure to Update Address

42. The Division re-alleges and incorporates by reference paragraphs 1-27 above as though fully set forth herein.

43. Under Iowa Code § 522B.6(7) a licensee shall inform the Commissioner of a change of address within thirty days of the change.

44. Respondent did not inform the Commissioner of the change to her mailing address within thirty days of the change.

45. Respondent's failure to inform the Commissioner of a change in address is a violation of Iowa Code § 522B.6(7) subjecting Respondent to a penalty, the imposition of costs of the investigation and prosecution of the matter, and any other corrective action the Commissioner deems necessary and appropriate pursuant to Iowa Code §§ 522B.17, 507B.7, and 505.8.

IV. ORDER

WHEREFORE, IT IS ORDERED pursuant to the powers granted to the Commissioner of Insurance by Iowa Code Chapters 522B and 507B:

- A. Respondent's Iowa resident insurance producer license is revoked pursuant to Iowa Code §§ 522B.11 and 507B.7;
- B. Respondent, pursuant to Iowa Code §§ 522B.17 and 507B.7, shall immediately cease and desist engaging in the practice of insurance in this state;
- C. Respondent is prohibited from applying for an insurance license in this state for five years from the date of this Order; and
- D. Respondent shall within thirty (30) days of this Order pay a civil penalty, in the amount of \$500.00, payable to the Iowa Insurance Division, to be credited to the Iowa Enforcement Fund, to provide funds for insurance enforcement and education pursuant to Iowa Code §§ 505.8, 522B.11, 522B.17, and 507B.7.

SO ORDERED on the 2nd day of March, 2018.



DOUGLAS M. OMMEN
Iowa Insurance Commissioner

Respectfully submitted,

Tracy Swalwell
TRACY SWALWELL

Compliance Attorney
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Des Moines, IA 50309
Tracy.Swalwell@iid.iowa.gov
(515) 725-1249
Attorney for Iowa Insurance Division

Copy to:
Whitney Roth
817 20th Avenue North
Clinton, IA 52732
Respondent

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing instrument was served upon all parties to the above cause, or their attorney, at their respective addresses disclosed on the pleadings on March 7, 2018.

By: First Class Mail Personal Service
 Restricted certified mail, return receipt Email, by consent
 Certified mail, return receipt _____

Signature: Hilary Foster
Hilary Foster

NOTICE OF PENALTIES FOR WILLFUL VIOLATION OF THIS ORDER

YOU ARE NOTIFIED that acting as an insurance producer, as defined in Iowa Code Chapter 522B, in violation of this Order, is a felony under Iowa Code § 507A.10, subjecting you to punishment of imprisonment, jail, fines, or any combination of custody and fines.

YOU ARE ALSO NOTIFIED that if you violate this Order, you may be subject to administrative and civil penalties pursuant to Iowa Code § 522B.17(3). The Commissioner may petition the district court to hold a hearing to enforce the order as certified by the Commissioner. The district court may assess a civil penalty against you in an amount not less than three thousand dollars but not greater than ten thousand dollars for each violation, and may issue further orders as it deems appropriate.

NOTICE REGARDING IMPACT OF ORDER ON EXISTING LICENSES

A final order of license revocation or a cease and desist order may adversely affect other existing business or professional licenses and result in license revocation or disciplinary action.

NOTICE REGARDING REISSUANCE

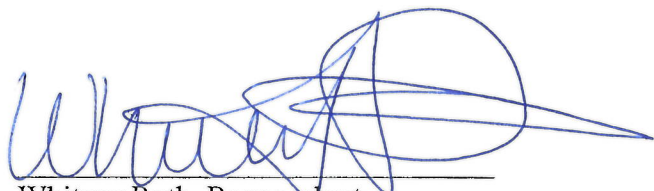
Upon entry of this Order, your insurance producer license will become inactive due to revocation. While your license is inactive, you are prohibited from conducting the business of insurance. Your license will not be active until the Division makes the determination to reissue your insurance producer license by order pursuant to Iowa Administrative Code 191—10.10.

Reissuance of your insurance producer license is subject to the discretion of the Commissioner. Additionally, it will not be granted unless and until you have complied with the terms of this Order, made the appropriate Application for Reissuance with the Division, and paid all applicable fees. If applicable, you may also be required to apply for licensure through the National Insurance Producer Registry (NIPR) and pay all applicable fees.

CONSENT TO ORDER AND AGREEMENT

I, Whitney Roth, Respondent in this matter, 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 further understand that this Order is considered a final administrative action that may be reported by the Division to the National Association of Insurance Commissioners and to other regulatory agencies. I also understand that this Order is a public record under Iowa Code Chapter 22, which will be disclosed to other state regulatory authorities, upon request, pursuant to Iowa Code § 505.8(8)(d). I also understand that this 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.

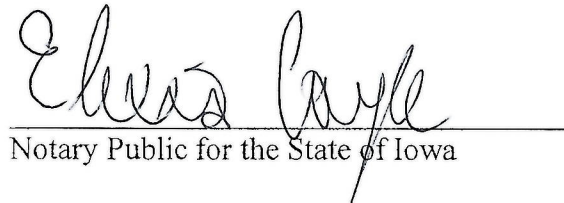


Dated: 2/22/18

Whitney Roth, Respondent

817 20th Ave N. Clinton, IA
Address of Signatory 52732

Subscribed and sworn before me by Whitney Roth on this 22 day of February, 2018.


Notary Public for the State of Iowa

