

BEFORE THE IOWA INSURANCE COMMISSIONER

IN THE MATTER OF)	
)	Division Case No. 115705
)	
TARA FOLEY,)	DEFAULT ORDER, FINDINGS OF
NPN 19763546)	FACT, CONCLUSIONS OF LAW
DOB 05/14/XXXX)	AND ORDER
)	
Respondent.)	

The Commissioner has taken up for consideration the Division’s motion for default order, filed on July 18, 2023, by Joseph Fraioli as the attorney representing the Iowa Insurance Division (“Division”). Respondent, Tara Foley (“Foley”), did not file an answer to the statement of charges or provide a timely response to the Division’s motion for default, so the Division’s motion for default was sustained and the Commissioner entered judgment in favor of the Division against Foley in an interlocutory order of default on August 8, 2023.

At the hearing on monetary relief on August 24, 2023, the Division appeared by counsel. Foley did not appear.

PARTIES AND JURISDICTION

1. The Commissioner of Insurance, Douglas M. Ommen, directly and through his designees, administers and enforces Iowa Code chapter 522B—Licensing of Insurance Producers pursuant to Iowa Code § 505.8.
2. Tara Foley (“Foley”) is an individual with a last-known residence address of 10498 Clingman St., Spring Hill, Florida 34608.
3. Foley is and has been licensed in the state of Iowa as a nonresident insurance producer since January 12, 2021. Foley is licensed under National Producer Number 19763546.
4. Pursuant to Iowa Code § 505.28, Foley consented to the jurisdiction of the Commissioner of Insurance by committing acts governed by chapter 522B.

5. From on or about March 2022 to present, Foley 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 505, 507B, 522B, and rules adopted pursuant to these chapters.

FINDINGS OF FACT

6. Foley applied for a nonresident 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, Foley designated the Commissioner as an agent for service of process.

7. The Division issued Foley a license as a nonresident insurance producer on January 12, 2021, and assigned to Foley National Producer Number 19763546.

8. On or around March 2022, Foley was employed by United Services Automobile Association (“USAA”), a financial services company, as an insurance sales and service professional.

9. In March and April 2022, while employed by USAA, Foley distributed confidential information obtained from USAA to R.S., an individual not employed by USAA, via Discord, an online messaging application. Foley obtained the information by taking photographs and screenshots of her computer screen and workstation, uploading the images to Discord, and sending the images to R.S. through Discord.

10. Information Foley disclosed to R.S. includes: member information, including Comprehensive Loss Underwriting Exchange (“CLUE”) reports and claims reports; automobile insurance information, including VIN numbers, driver’s license numbers, and license issue dates;

account and routing numbers for USAA bank accounts; and company emails and staff communications.

11. In an interview with Foley conducted on April 28, 2022, by an investigator from USAA, Foley acknowledged that she had sent the information to R.S. and stated that the decision was “stupid” and “really bad judgment.”

12. During the course of the Division’s investigation, it was found that Foley had previously received training in December 2021 from USAA on its information protection policies after Foley had inappropriately used the USAA portal to access a family member’s USAA account information.

13. On May 2, 2022, following an internal investigation into Foley’s conduct, USAA terminated Foley’s employment for cause.

14. On June 7, 2022, USAA notified the Division of Foley’s termination, stating: “It was discovered that Ms. Foley demonstrated incompetence, untrustworthiness or financial irresponsibility in the conduct of business. Ms. Foley released USAA member financial information using an unapproved application.”

Division Communication Attempts

15. On June 15, 2022, a Division investigator attempted to contact Foley by email. Foley’s licensure records only contained a business email with USAA, which was no longer active. Following a search of public records, the investigator obtained two additional email addresses for Foley: skeletor4@aol.com and taranicole55@gmail.com. The investigator sent a Request for Information (“RFI”) to both email addresses. The Division received notification that day that the emails were not delivered because the email addresses could not be found or were unable to receive mail.

16. On June 16, 2022, the Division investigator sent Foley an RFI to the residence address provided by Foley and noted in her licensing record by FedEx delivery. The letter directed Foley to contact the investigator by June 30, 2022. On June 17, 2022, the Division received confirmation from FedEx that the RFI was delivered that day and signed for. To date, Foley has not responded to the RFI.

17. On July 5, 2022, the Division investigator sent a letter to the residence address provided by Foley and noted in her licensing record by FedEx delivery requesting the voluntary surrender of Foley's Iowa nonresident insurance producer license by July 31, 2022. On July 21, 2022, the Division received notification from FedEx that the July 5, 2022, letter was returned to the Division as "undeliverable."

18. Through a search of public records, the Division investigator obtained contact information for a potential relative of Foley's—Janice Cunningham. On August 2, 2022, the investigator sent a new letter requesting the voluntary surrender of Foley's Iowa nonresident insurance producer license by September 1, 2022, to Janice Cunningham by email. The Division received no indication that the email failed to be delivered.

19. To date, Foley has not responded to the surrender request.

CONCLUSIONS OF LAW

Count 1: Demonstrating Incompetence or Untrustworthiness

20. 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 demonstrating incompetence, untrustworthiness, or financial irresponsibility in the conduct of business.

21. Foley demonstrated incompetence, untrustworthiness, or financial irresponsibility when she violated USAA's information protection policies and provided confidential, sensitive insurance member details and information to a third party without authorization or approval. Further, Foley communicated the information across an unsecured and unapproved online messaging platform.

22. Foley's acts and practices have been in violation of Iowa Code § 522B.11(1)(h) subjecting Foley to probation, suspension, or revocation of Foley's insurance producer license, the imposition of a civil penalty, an order requiring Foley 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 2: Failure to Cooperate

23. Under Iowa Code § 522B.11(1)(p), a license may be subject to probation, suspension, or revocation and civil penalties may be levied, as provided in Iowa Code § 522B.17, for failing or refusing to cooperate in an investigation.

24. Foley failed to cooperate with an investigation by the Division regarding her termination for cause from USAA. Foley failed to respond to an RFI successfully delivered to her residence address on June 17, 2022.

25. Foley's failure to cooperate has made it impossible to obtain Foley's statement in response to the allegations regarding Foley's termination from USAA.

26. Foley's acts and practices have been in violation of Iowa Code § 522B.11(1)(p) subjecting Foley to probation, suspension, or revocation of Foley's insurance producer license, the imposition of a civil penalty, an order requiring Foley 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.

ORDERS

IT IS HEREBY ORDERED that Tara Foley is in default, pursuant to Iowa Administrative Code rule 191-3.22, and that judgment shall be entered against Foley in favor of the Division.

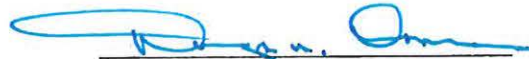
IT IS FURTHER ORDERED, pursuant to the powers granted to the Commissioner of Insurance by Iowa Code chapters 507B and 522B:

- A. Tara Foley's nonresident insurance producer license is immediately revoked pursuant to Iowa Code § 522B.11;
- B. Tara Foley is prohibited from selling, soliciting, or negotiating insurance, offering to the public advise, counsel, or services with regard to insurance, or transacting any insurance business in this state pursuant to Iowa Code §§ 505.8(10), 507B.7 and 522B.17 without an insurance producer license;
- C. Tara Foley shall, within 30 days of this Order, pay as civil penalties the amount of \$3,500.00, made payable to the Iowa Insurance Division, to be credited to the Iowa Insurance Enforcement Fund, to provide funds for insurance enforcement and education pursuant to Iowa Code §§ 505.8, 522B.6(7), 522B.11, and 522B.17;
- D. Tara Foley shall, within 30 days of this Order, pay as costs of investigation and prosecution the amount of \$1,666.75, made payable to the Iowa Insurance Division, to be credited to the Iowa Insurance Enforcement Fund, to provide funds for

insurance enforcement and education pursuant to Iowa Code §§ 505.8, 522B.6(7), 522B.11, and 522B.17; and

E. These orders may be enforced under Iowa Code chapter 507B and 522B, including but not limited to, Iowa Code § 507B.8 and 522B.17(3), and additionally, by any collection remedies available to the State of Iowa Department of Revenue for unpaid penalties and other ordered monetary amount.

SO ORDERED on this 29th day of November, 2023.



Douglas M. Ommen
Iowa Insurance Commissioner

Copy to:

Joseph A. Fraioli
Iowa Insurance Division
1963 Bell Avenue, Suite 100
Des Moines, Iowa 50315
Joseph.fraioli@iid.iowa.gov
ATTORNEY FOR THE DIVISION

Tara Foley
10498 Clingman St.
Spring Hill, Florida 34608
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 November 29, 2023.

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

Signature: Brooke Hohn
Brooke Hohn

NOTICE OF FINAL ORDER

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.

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 507 A.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 REISSUANCE

When this Order becomes final, 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 an insurance producer license by order pursuant to Iowa Administrative Code 191-10.10.

Reissuance of an insurance producer license is subject to the discretion of the Commissioner. Additionally, it will not be granted unless and until you have fully complied with the terms of this Order, made the appropriate application, 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.

NOTICE OF FINAL ORDER IMPACT

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

A final order in an administrative action does not resolve any potential criminal or civil violations or causes of action that might arise from the same or similar conduct that is the subject of this order. It may result in criminal law enforcement authorities, including the fraud bureau of the Iowa Insurance Division, pursuing a criminal investigation or prosecution of potential criminal law violations.