



BEFORE THE IOWA INSURANCE COMMISSIONER

IN THE MATTER OF)	Division Case No. 122883
)	
STACY MARIE DIVELEY)	ORDER AND CONSENT TO ORDER
NPN 18015404,)	
DOB 08/10/XXXX,)	
)	
Respondent.)	

NOW THEREFORE, upon motion of the Iowa Insurance Division (“Division”) and by the consent of Respondent, Stacy Marie Diveley, pursuant to the provisions of Iowa Code chapter 522B—Licensing of Insurance Producers, the Commissioner enters the following Order and Consent to Order (“Consent Order”):

I. 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. Stacy Marie Diveley (“Diveley”) is an individual with a last-known residence address of 508 Grove St. NW, Shellsburg, Iowa 52332.
3. Diveley is and has been licensed in the state of Iowa as a resident insurance producer since July 13, 2016. Diveley is licensed under National Producer Number 18015404.
4. Pursuant to Iowa Code § 505.28, Diveley consented to the jurisdiction of the Commissioner of Insurance by committing acts governed by chapter 522B.
5. From on or about September 13, 2022, to present, Diveley 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.

II. FINDINGS OF FACT

6. The Division issued Diveley a license as a resident insurance producer on July 13, 2016, and assigned to Diveley National Producer Number 18015404.

7. On September 13, 2022, Diveley was criminally charged in Benton County, Iowa, with two criminal counts of Child Endangerment, both aggravated misdemeanors.

8. Diveley's alleged criminal conduct included knowingly permitting the physical or sexual abuse of her two minor children between January 1, 2011, and January 1, 2019, and tampering with her child's reporting of that physical or sexual abuse on or about October 22, 2021.

9. On September 20, 2022, Diveley made an initial appearance before the Benton County Court. Diveley waived preliminary hearing on October 6, 2022.

10. On March 6, 2023, the charges against Diveley were amended to include five more criminal counts. Diveley's criminal charges included:

- Count I: Child Endangerment (Aggravated Misdemeanor)
- Count II: Child Endangerment – Bodily Injury (Class D Felony)
- Count III: Child Endangerment (Aggravated Misdemeanor)
- Count IV: Child Endangerment – Bodily Injury (Class D Felony)
- Count V: Child Endangerment (Aggravated Misdemeanor)
- Count VI: Child Endangerment (Aggravated Misdemeanor)
- Count VII: Tampering with Witness or Juror (Aggravated Misdemeanor)

11. A jury trial was held between April 29 and May 3, 2024. On May 3, 2024, Diveley was found guilty of counts one through six by the jury and acquitted on count seven. On count two, Child Endangerment, Bodily Injury, Diveley was found guilty of the lesser included offense of Child Endangerment, an aggravated misdemeanor.

12. On July 1, 2024, Diveley was sentenced to a maximum of seven years' incarceration with credit for time served. Diveley was fined \$855.00 on each count one, two, three, five, six, and \$1025.00 on count four, for a total fine of \$5,300.00. All fines were suspended.

13. On July 10, 2024, Diveley contacted the Division and notified the Division of her criminal prosecution and conviction, and subsequent appeal.

14. Diveley was issued an appeal bond of \$15,000.00. Diveley is currently not incarcerated while awaiting appeal of her conviction.

III. CONCLUSIONS OF LAW

COUNT I

Felony Conviction

15. Under Iowa Code § 522B.11(1)(f), a license may be subject to probation, suspension, or revocation and civil penalties may be levied, as provided in Iowa Code § 522B.17, for having been convicted of a felony.

16. On or about May 3, 2024, Diveley was convicted of one felony count of Child Endangerment, Bodily Injury, and sentenced to up to seven years of prison.

17. Diveley's acts and practices violate Iowa Code § 522B.11(1)(f) subjecting Diveley to probation, suspension, or revocation of Diveley's insurance producer license, the imposition of a civil penalty, an order requiring Diveley 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 §§ 422B.11, 522B.17, and 505.8.

COUNT II

Failure to Timely Report Criminal Prosecution

18. Under Iowa Code § 522B.16(2), and Iowa Administrative Code rule 191—10.20(4)(b), an insurance producer, "within thirty days of the initial pretrial hearing date, an insurance producer shall report to the Commissioner any criminal prosecution of the insurance producer taken in any jurisdiction."

19. On September 20, 2022, Diveley made an initial appearance before the Benton County Court. Diveley waived preliminary hearing on October 6, 2022.

20. Diveley failed to report this prosecution to the Division within thirty (30) days of the initial pretrial hearing date. Diveley did not report this prosecution to the Division until July 10, 2024.

21. Diveley's acts and practices violate Iowa Code § 522B.16(2) and Iowa Administrative Code rule 191—10.20(4)(b) subjecting Diveley to probation, suspension, or revocation of Diveley's insurance producer license, the imposition of a civil penalty, an order requiring Diveley to cease and desist from engaging in such acts and 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.16, 522B.17, and 505.8.

IV. ORDER

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

- A. Diveley's resident insurance producer license is immediately revoked pursuant to Iowa Code §§ 522B.11 and 522B.17;
- B. Diveley, pursuant to Iowa Code § 522B.17, shall immediately cease and desist from engaging in the business of insurance in this state.

SO ORDERED on the 27th day of August, 2024.



DOUGLAS M. OMMEN
Iowa Insurance Commissioner

Respectfully submitted,



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Iowa Insurance Division
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ATTORNEY FOR THE DIVISION

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 August 27th, 2024.

Copy to:

Stacy Marie Diveley
508 Grove St NW,
Shellsburg, IA 52332
RESPONDENT

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 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 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 rule 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.

NOTICE OF FINAL ORDER IMPACT

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

CONSENT TO ORDER AND AGREEMENT

I, Stacy Marie Diveley, Respondent in this matter, have read, understood, and do knowingly consent to this Order in its entirety. I understand and acknowledge I have the right to consult with an attorney on this matter if I choose to do so, and I acknowledge that the Division cannot provide me an attorney, nor can the Division provide me legal advice. 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.

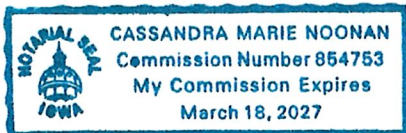
I further understand this Order is considered a final administrative action that will be reported by the Division to the National Association of Insurance Commissioners and to other regulatory agencies. I also understand this Order is a public record under Iowa Code chapter 22 and information may be shared with other regulatory authorities or governmental agencies, pursuant to Iowa Code § 505.8(8)(d). I also understand this Order will be posted to the Division's website and a notation will be made to the publicly available website record that administrative action has been taken against me.

Stacy Marie Diveley
Stacy Marie Diveley, Respondent

Aug. 19, 2024
Date

508 Grove St NW, Shellsburg, IA 52332
Address of Signatory

Subscribed and sworn before me by Stacy M. Diveley on this 19th day of AUGUST, 2024.



[Signature]
Notary Public for the State of IOWA