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COMMISSION OF INSURANCE INSURANCE DIVISION OF IOWA

## BEFORE THE IOWA INSURANCE COMMISSIONER

IN THE MATTER OF	) Division Case No. 121971
TAMMY JO ZEMLER, NPN 16910415, DOB 01/19/XXXX,	ORDER AND CONSENT TO ORDER  ORDER
Respondent.	j

NOW THEREFORE, upon motion of the Iowa Insurance Division ("Division") and by the consent of Respondent Tammy Jo Zemler, 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. Tammy Jo Zemler ("Zemler") is an individual that was licensed in the state of Iowa as a resident insurance producer from March 12, 2013, until her license expired on January 31, 2025. Zemler was licensed under National Producer Number 16910415.
- 3. Zemler when her license expired had a registered address of 2106 Denver Avenue, Spirit Lake, Iowa, 51360. Zemler currently has a mailing address of PO Box 473, Spirit Lake, Iowa, 51360.
- 4. Pursuant to Iowa Code § 522B.11(5), the Commissioner may enforce the provisions of Iowa Code chapter 522B "against any person who is under investigation for, or charged with, a violation of either chapter even if the person's license has been surrendered or lapsed by operation of law."

- 5. Pursuant to Iowa Code § 505.28, Zemler consented to the jurisdiction of the Commissioner of Insurance by committing acts governed by chapter 522B.
- 6. From on or about July 2, 2021, to present, Zemler engaged in acts and practices within the state of Iowa constituting cause for probation, suspension, or revocation of Zemler's insurance producer license; cease and desist orders; and civil penalties or other relief under Iowa Code chapters 505, 522B, and rules adopted pursuant to these chapters.

#### II. FINDINGS OF FACT

- 7. Zemler applied for a resident insurance producer license with the Division by submitting a Uniform Application for Individual Producer License ("Uniform Application") through the National Insurance Producer Registry. In submitting the Uniform Application, Zemler designated the Commissioner as an agent for service of process.
- 8. Zemler was licensed in the state of Iowa as a resident insurance producer from March 12, 2013, until her license expired January 31, 2025. Zemler was licensed under National Producer Number 16910415.
- 9. At all relevant times hereto, Zemler was appointed as a non-captive agent by American Family Life Assurance Company of Columbus ("AFLAC") and employed by AFLAC as a district sales coordinator.
- 10. AFLAC district sales coordinators are responsible for leading and supporting a sales team of insurance professionals; recruiting, training, and developing new insurance agents and producers; working with business owners to provide benefits solutions, enrollment and claims support; building and maintaining relationships with prospects, clients, and brokers; tracking and analyzing sales activity to ensure quarterly growth goals are achieved.

11. AFLAC offers supplemental group insurance policies to companies that the companies can then offer to their employees as a benefit. Zemler had various group insurance policies for which she was the agent of record, including but not limited to Oligmueller Law, Nails by G, and South Sioux City, Nebraska. Zemler received commissions when employees purchased coverage under these group plans.

# Consumer A D A

- 12. On November 12, 2021, Zemler sent a digital invitation to AFLAC agent Stephanie

  James to join the O AFLAC account as an agent. Zemler used Ms. James's

  AFLAC account to accept the invitation.
- 13. Zemler used Ms. James's AFLAC account to fill out an application for a cancer indemnity policy for an individual named A D A Zemler listed Ms. D A A Semiconal information including name, date of birth, sex, social security number, address, cellphone number, email and spouse's name. The application contained three electronic signatures purporting to be Ms. D A Semiconal A Semiconal Semicona
- 14. Zemler then used Ms. James's account to fill out a second application for a hospital confinement indemnity policy using Ms. Da A second information. This application contained three electronic signatures that purported to be made by Ms. Da A and two

electronic signatures that purported to be made by Ms. James. This second application was submitted to AFLAC. Ms. Da A selectronic signature attested that the answers to questions in the application were complete and true, including health and coverage questions. Ms. James' signature certified that Ms. James saw the proposed insured, that each question was asked, that each answer was recorded, and that the answers were correct to the best of her knowledge.

- 15. Zemler then deactivated the O account L account and reactivated it without reinviting Ms. James, therefore removing her from the account. An AFLAC investigator contacted Ms. James about the applications submitted for Ms. D A account. And Ms. James stated that she had no knowledge of Ms. D A or the O L account. Ms. James further stated that she did not have access to the O L account.
- 16. On November 17, 2021, Zemler sent an email to an AFLAC employee that works in Pended Business department stating, "This app is post tax and app showing post tax was initialed and sent to pended business, Monday, November 15<sup>th</sup>, please issue policy, thank you." Attached to the email was the hospital confinement indemnity insurance application for Ms. Data.
- AFLAC issued both policies and sent Ms. D A letters regarding her new policies.

  Ms. D A first became aware of the policies when she received the first letter from AFLAC thanking her for her new policies. Ms. D A received a subsequent letter from AFLAC confirming that they would begin to charge her deduct premiums from her paychecks for her two new policies. Ms. D A had not previously been aware that Zemler had submitted two insurance applications on her behalf.
- 18. Ms. Da A contacted her payroll department and AFLAC to cancel the two new policies issued without her knowledge or consent. Ms. Da A did not personally know Zemler but had other legitimate policies through AFLAC through the Communication. La account. Ms. Da account.

A did not have an opportunity to review the two applications that Zemler submitted with her personal information on November 15, 2021, and Ms. D. A did not sign either of the applications. Ms. D. A was able to cancel both policies without incurring any financial harm.

\*\*Iowa Consumer G C

- 19. On July 2, 2021, G C contacted Zemler for an accident-only insurance policy through AFLAC. Ms. C is married to Zemler's nephew. Zemler told Ms. C that she had an opening in a group and could get her an accident only policy through AFLAC for her and her husband. Ms. C spoke to Zemler on the phone while Zemler filled out the application for insurance. Ms. C verbally gave Zemler the information needed to fill out the application. Ms. C gave Zemler her bank account information so AFLAC could withdraw the monthly payment for the policy. Zemler told Ms. C that the first three months would be paid for, and then Ms. C would need to pay the premiums. Ms. C consented to purchasing the policy and the application was submitted.
- 20. On the July 2, 2021, application for insurance, Zemler listed Ms. Come's employer as "Nails by G." Ms. Come has never worked for Nails by G. Zemler incorrectly listed Ms. Come's occupation as nail technician. At the time of the application, Ms. Come worked at Casey's General Store. On this application, Zemler indicated that the billing method would be payroll deductions every month. Ms. Come believed that AFLAC would withdraw the premium payments from her bank account.
- 21. Ms. Call did not know that Zemler listed her employer as Nails by G and that Zemler did not include her bank account information for the billing method.
- 22. After three months, Ms. Common noticed that AFLAC was not taking the monthly premiums from her bank account. Ms. Common called Zemler multiple times to inquire about this issue, and

Zemler gave Ms. Come repeated excuses as to why the payment was not being withdrawn from her account. No payments were ever made toward the policy premiums.

- 23. This policy was cancelled for nonpayment.
- 24. About a month later, without Ms. Come's knowledge or consent, Zemler filled out two additional AFLAC insurance applications on her behalf. One was an application for a cancer indemnity insurance, and the other was for short-term disability insurance.
- 25. Zemler completed both applications with Ms. Call's personal information, listing Nails by G as the employer and group. Zemler applied Ms. Call's electronic signature three times and electronic initials three times on each of these two applications without Ms. Call's knowledge or consent.
- 26. Zemler signed both applications as the agent of record.
- On October 22, 2021, Zemler completed another application on behalf of Ms. Common This AFLAC application was for hospital confinement indemnity insurance. Zemler filled out Ms. Common Semler application on the application, listing the employer as Nails by G. On this application, Zemler applied Ms. Common Semler applied Ms. Commo
- 28. Zemler was the agent of record on the third application.
- Ms. Committed in the initially found out that the three additional applications had been submitted in her name when AFLAC contacted her. Zemler did not provide Ms. Command an opportunity to review any of the information contained in the three additional applications. Ms. Committed did not affix her digital signature or initials to any of these three AFLAC applications. Ms. Committed in the applications affix her digital signature or initials to any of these three AFLAC applications. Ms. Committed in the applications were complete and true, including health and prior coverage questions.

# Iowa Consumer M

- 30. On December 17, 2021, Zemler contacted AFLAC agent Erin Strait who had been working at AFLAC for just a few months. Zemler told Ms. Strait to pull up the policies for an individual named Market Hamiltonian. Zemler told Ms. Strait that they were rolling over Mr. Hamiltonian into two new policies. Mr. Hamiltonian had an existing policy through AFLAC under the South Sioux City group, so his information was already in AFLAC's system.
- 31. Ms. Strait, at the direction of Zemler, submitted two applications for Mr. Harmonical for a cancer indemnity policy and a hospital confinement indemnity policy. When the application asked for a signature, Zemler told Ms. Strait to type the individual's name into the signature blank. Ms. Strait was new to AFLAC and was unaware that the application should have been emailed to the individual so they could electronically DocuSign the application. Ms. Strait trusted Zemler because Zemler was her district coordinator and Ms. Strait was new.
- 32. Zemler instructed Ms. Strait to list the payment source as payroll deductions. Ms. Strait submitted the applications to AFLAC, and the policies were issued.
- 33. Mr. Harmonia first discovered that two new policies had been issued in his name when he saw increased deductions from his paycheck. Mr. Harmonia did not speak with Zemler or Ms. Strait about applying for any new AFLAC policy, was not given an opportunity to review the applications for accuracy and completeness, and did not sign the applications prior to them being submitted.

## Criminal Charges

34. On May 31, 2023, a criminal complaint was filed against Zemler in Dickinson County, Iowa. Zemler was charged with nine counts, including three counts of Insurance Fraud – Application Submission (Class D Felony), three counts of Forgery (Class D Felony), and three

counts of Identity Theft Under \$1,500.00 (Aggravated Misdemeanor). An initial appearance took place on June 8, 2023.

- 35. On June 15, 2023, Zemler reported the criminal prosecution to the Division.
- 36. On April 5, 2024, Zemler entered a guilty plea to one count of Fraudulent Submission to Insurer, a Class D felony. The remaining counts were dismissed.
- 37. On April 15, 2024, Zemler received a deferred judgement and was placed on two years of supervised probation. Zemler received a suspended monetary penalty of \$1,025.00 and was assessed \$1,200 in costs that Zemler paid. On April 19, 2024, Zemler reported this deferred judgment to the Division.

## Other State Actions

- 38. On July 26, 2023, the state of Florida's Chief Financial Officer suspended Zemler's nonresident insurance producer license. Zemler timely reported this action to the Division on August 9, 2023.
- 39. On January 23, 2024, Zemler surrendered her nonresident insurance producer license to the Ohio Department of Insurance by executing a "Request by Individual Agent to Surrender for Cause." Zemler reported this administrative action to the Division on February 20, 2024.
- 40. On February 22, 2024, the California Department of Insurance revoked Zemler's nonresident insurance producer license based on her felony conviction and failure to report the felony conviction. To date, Zemler has not reported this administrative action to the Division.
- 41. On June 25, 2024, the Indiana Department of Insurance suspended Zemler's nonresident insurance producer license due to Zemler failing to provide Indiana with a full and complete report listing each insurer with which the licensee has held an appointment during the year preceding the request. To date, Zemler has not reported this administrative action to the Division.

- 42. On July 23, 2024, the Nebraska Department of Insurance revoked Zemler's nonresident insurance producer license for having been convicted of a felony. To date, Zemler has not reported this administrative action to the Division.
- 43. On August 23, 2024, the Virginia Bureau of Insurance, entered into a settlement agreement with Zemler wherein Zemler surrendered her nonresident insurance producer license and agreed to not reapply for a license for five years. To date, Zemler has not reported this administrative action to the Division.
- 44. On September 9, 2024, the Kentucky Department of Insurance revoked Zemler's nonresident insurance producer license for failing to report the felony conviction and administrative actions taken against her in other states. To date, Zemler has not reported this administrative action to the Division.
- 45. On January 29, 2025, the Minnesota Department of Commerce revoked Zemler's nonresident insurance producer license and ordered Zemler to pay the costs of the investigation in the amount of \$112.50 by consent order. Zemler was found to have engaged in fraudulent acts or demonstrated untrustworthiness by submitting three falsified insurance applications; and that Zemler did not notify the Minnesota Commissioner about pleading guilty to a criminal charge and did not notify regarding the actions taken against Zemler's licenses in other jurisdictions. To date, Zemler has not reported this administrative action to the Division.

#### III. CONCLUSIONS OF LAW

#### COUNT I

Using Fraudulent, Coercive, or Dishonest Practices or Demonstrating Incompetence, Untrustworthiness

46. 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, untrustworthiness, or financial irresponsibility in the conduct of business.

- 47. Zemler used fraudulent or dishonest practices or demonstrated incompetence or untrustworthiness when Zemler directed Ms. Strait, a junior AFLAC employee who she supervised, to submit two applications for Mr. Harman without speaking to him and to affix Mr. Harman signature without providing him an opportunity to review the applications.
- 48. Zemler used fraudulent or dishonest practices or demonstrated incompetence or untrustworthiness when Zemler told Ms. Strait to list consumer information in the application and did not instruct Ms. Strait to provide a copy of the application to the consumer to review for accuracy before the application was submitted to AFLAC. AFLAC relied upon the information listed in the application and issued the policy based on the application that was submitted.
- 49. Zemler used fraudulent or dishonest practices or demonstrated incompetence or untrustworthiness when Zemler supplied unverified or false information on at least five insurance applications that were submitted to an insurance company.
- 50. Zemler used fraudulent or dishonest practices or demonstrated incompetence or untrustworthiness when Zemler supplied and submitted false information on four insurance applications by incorrectly listing Ms. Carry's employer.
- Zemler used fraudulent or dishonest practices and demonstrated incompetence or untrustworthiness when Zemler submitted the initial insurance application for consumer G and intentionally misrepresented the payment source which resulted in the policy being terminated for nonpayment.

- 52. Zemler used fraudulent or dishonest practices or demonstrated incompetence or untrustworthiness when she misrepresented G C semployer on four insurance applications as Nails by G when Zemler knew that G C did not work for Nails by G and submitted that information to an insurance company.
- 53. Zemler's acts and practices violated Iowa Code § 522B.11(1)(h), subjecting Zemler to probation, suspension, or revocation of Zemler's insurance producer license, the imposition of a civil penalty, an order requiring Zemler 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.11, 522B.17, and 505.8.

## <u>COUNT II</u> Forgery on an Application for Insurance

- 54. Under Iowa Code § 522B.11(1)(j), a license may be subject to probation, suspension, or revocation and civil penalties may be levied, as provided in Iowa Code § 522B.17, for forging another's name to an application for insurance or to any document related to an insurance transaction.
- 55. Zemler forged G C s and A D A S digital signatures on applications for insurance and submitted those applications to AFLAC. The signatures attested to the health and prior coverage questions answered in the application. AFLAC relied upon the application signatures to issue policies to the consumers. Zemler forged G C s electronic signature nine separate times on the applications submitted to AFLAC. Zemler forged A S signature six separate times on applications for insurance submitted to AFLAC.
- 56. Zemler's acts and practices violate Iowa Code § 522B.11(1)(j) subjecting Zemler to probation, suspension, or revocation of Zemler's insurance producer license, the imposition of a

civil penalty, an order requiring Zemler 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 III**Other State Licensing Action

- 57. Under Iowa Code § 522B.11(1)(i), 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 an insurance producer license, or its equivalent, denied, suspended, or revoked in any other state, province, district, or territory.
- 58. On July 26, 2023, the Florida Chief Financial Officer suspended Zemler's nonresident insurance producer license.
- 59. On February 22, 2024, the California Department of Insurance revoked Zemler's nonresident insurance producer license.
- 60. On June 25, 2024, Indiana Department of Insurance suspended Zemler's nonresident insurance producer license.
- 61. On July 23, 2024, the Nebraska Department of Insurance revoked Zemler's nonresident insurance producer license.
- 62. On September 9, 2024, the Kentucky Department of Insurance revoked Zemler's nonresident insurance producer license.
- 63. On January 29, 2025, the Minnesota Department of Commerce revoked Zemler's nonresident insurance producer license.
- 64. Zemler's acts and practices violate Iowa Code § 522B.11(1)(i) subjecting Zemler to probation, suspension, or revocation of Zemler's Iowa insurance producer license, the imposition

of a civil penalty, an order requiring Zemler 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 IV**Failure to Report Other State Administrative Actions

- 65. Under Iowa Code § 522B.16(1), "an insurance producer shall report to the commissioner any administrative action taken against the insurance producer in another jurisdiction or by another governmental agency in this state within thirty days of the final disposition of the matter."
- 66. As of the date of this filing, Zemler has not reported to the Division the administrative actions identified in Count III taken against her insurance producer licenses in Nebraska, Kentucky, Indiana, Virginia, California, and Minnesota.
- 67. Zemler's failure to inform the Commissioner of the administrative actions against her in other states is a violation of Iowa Code § 522B.16(1) and Iowa Administrative Code rule 191—10.13, subjecting Zemler to probation, suspension, or revocation of Zemler's insurance producer license, an order requiring Zemler to cease and desist from engaging in such acts or practices, the imposition of a civil 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 and 505.8, and Iowa Administrative Code rule 191—10.20(4)(b).

## IV. ORDERED

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

- A. Zemler's Iowa resident insurance producer license is immediately revoked and Zemler is prohibited from engaging in the business of insurance in this state pursuant to Iowa Code § 522B.11;
- B. Zemler shall, pursuant to the payment schedule provided in paragraph D below, pay a civil penalty in the amount of \$1,000.00 pursuant to Iowa Code §§ 505.8, 522B.11, and 522B.17;
- C. Zemler shall, pursuant to the payment schedule provided in paragraph D below, pay the amount of \$908.00 for costs of investigation pursuant to Iowa Code § 505.8;
- D. Zemler shall, pay civil penalty ordered in paragraph B and the costs of investigation ordered in paragraph C in three installment payments to the Division. The first payment, in the amount of \$636.00, shall be remitted on or before June 30, 2025. Zemler, shall remit the second payment in the amount of \$636.00 to the Division on or before July 31, 2025, with the last payment of \$636.00 due on or before August 29, 2025. Payment shall be made payable to the Iowa Insurance Division, to be credited to the Iowa Enforcement Fund to provide funds for insurance enforcement and education; and
- E. These orders may be enforced under Iowa Code chapter 522B, including but not limited to Iowa Code § 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 amounts.

SO ORDERED on this 30 day of \_\_\_\_\_\_ DOUGLAS M. OMMEN Iowa Insurance Commissioner Respectfully submitted, **Yowa Insurance Division** 1963 Bell Avenue, Suite 100 Des Moines, Iowa 50315 (515) 654-6564 zebulon.black@iid.iowa.gov ATTORNEY FOR THE DIVISION Copy to: Tammy Jo Zemler PO Box 473, Spirit Lake, IA 51360 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 \_\_\_ By: W First Class Mail () Personal Service Restricted certified mail, return receipt (Email () Certified mail, return receipt ()

Brooke Hohn

Signature:

## 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 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 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, Tammy Jo Zemler, 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.

Tammy Jo Zemley, Respondent

Date

Date

Do Box 173 Spin + Loule, JA 513 low

Address of Signatory

Subscribed and sworn before me by Tammy James on this Boday of June, 2025

KRISTINE PAYNE
Commission Number 813509
My Commission Expires

Notary Public for the State of