
BEFORE THE UTAH INSURANCE COMMISSIONER

UTAH INSURANCE DEPARTMENT,

EMERGENCY ORDER

Complainant,

vs.

Docket No. 2023-4570

RANDY A. RICHINS,

Donald H. Hansen
Administrative Law Judge/Presiding Officer

Respondent.

Pursuant to Utah Code §§ 31A-2-201(4)(a) and 63G-4-502(1), Utah Insurance Commissioner Jonathan T. Pike (“Commissioner”) hereby issues this emergency order against Randy A. Richins (“Respondent”), after determining based on knowledge and belief that Respondent is engaging in or are about to engage in conduct prohibited by the Utah Insurance Code, Utah Code Title 31A, and any administrative rule promulgated thereunder, and such conduct presents an immediate and significant danger to the public health, safety, or welfare, and that immediate action is necessary and in the public interest.

In support of this Order, the Commissioner makes the following findings of fact and conclusions of law which are based on the facts and law set forth in the attached Declaration of Connie Nowland:

FINDINGS OF FACTS

1. Randy A. Richins (“Respondent”) is a Utah resident producer individual licensee holding Utah license number 48198.
2. On November 8, 2023, the Utah Insurance Department (“Department”) received a complaint from the Ute Indian Tribe of the Uintah and Ouray Reservation (the “Tribe”) which

alleged, among other things, that Respondent had used his status as an insurance agent to gain access to the Ute Reservation, then targeted and victimized female Tribe members while conducting insurance business on the Reservation.

3. Information from the Tribe detailed that Respondent would travel to the Ute Reservation every Tuesday to sell and service life insurance policies to Tribe members. Based on the type of life insurance policy obtained, the policy owner could borrow against the cash value of the policy, in the form of a check drafted from Respondent's business account. The policy owner would then repay the cash loan by way of their payroll deductions back to the Respondent's business account.

4. The Tribe alleged that on several occasions, Respondent made loans to female Tribe members, but from his personal account, rather than his business account. Respondent would then make sexual advances towards the female Tribe member, asking the female Tribe member how she planned to repay the loan, and offering her to come back to his motel room. Respondent asked one Tribe member if she wanted to "pay back the loan in another way" and asked her if she would like to meet him at his motel in Ballard. Respondent also sent her a text message asking her if she would like to exchange photos and "are you going to just leave me all hard and turned on". Later that day, the Tribe member received another text from the Respondent which showed two photos of an adult male in his underwear. One of the photos depicted the male with an erection.

5. On February 17, 2021, after having received numerous reports from Tribe members regarding the Respondent, the Tribe enacted Resolution No. 21-043 ("Banishment Order"), which ordered the Respondent's immediate exclusion and removal from the Reservation, citing a pattern of lewd and lascivious acts upon Tribal members which threatened the peace and safety of the Tribal membership.

6. The Respondent continued to illegally enter the Tribe's Reservation and do insurance business on the Reservation in violation of the Banishment Order.

7. On April 24, 2023, the Tribe issued a cease-and-desist order to the Respondent demanding that he comply with the Banishment Order.

8. Subsequent investigation by the Department found criminal cases against the Respondent charging a similar pattern of sexual misconduct as alleged by the Ute Tribe members.

9. On March 26, 2019, Respondent was charged by information with two (2) counts of Lewdness-First or Second Offense, both Class B Misdemeanors. On October 7, 2019, Respondent entered guilty pleas to both counts as charged. The pleas were held in abeyance. The fact pattern that the Respondent pled guilty to states that “Richins, an insurance agent, invited a female member of the Ute Tribe to his hotel room to discuss a loan and an insurance policy. When the woman arrived with her adult daughter, [Richins] invited them in, [Richins was] completely naked, exposing his genitals to both women. The women immediately left the room.” (*See State of Utah vs. Randy Arthur Richins, Case No. 191900110, Uintah County Justice Court, Uintah County, State of Utah.*)

10. On June 12, 2019, Respondent was charged by information with one (1) count of Pay/Offer/Agree To Pay Fee or Equivalent for Sexual Act, a Class A Misdemeanor. On February 11, 2020, the Respondent entered a no contest plea, which was held in abeyance. The fact pattern the Respondent pled to states that “Richins sent text messages to a woman from the Ute Tribe to whom he had made a loan. In the text he asked the woman if she would like to pay him back “another way,” and then sent her photos of an erect penis in underwear. The next day, the woman met [Richins] in a public place to repay the loan and he asked her: “are you sure you don’t want to exchange sex for payment?” (*See State of Utah vs. Randy Arthur Richins, Case No. 191800423, Eighth District Court, Vernal Department, Uintah County, State of Utah.*)

11. Respondent failed to report the criminal cases to the Department as required by Utah law.

12. Based on the foregoing, there is substantial cause to believe that an immediate and significant danger to the public health, safety, or welfare exists that requires immediate action.

CONCLUSIONS OF LAW

13. The Commissioner regulates the business of insurance in Utah pursuant to Title 31A of the Utah Code.

14. Pursuant to Utah Code § 31A-2-201(4)(a), the Commissioner is authorized to issue prohibitory orders to secure compliance with Title 31A.

15. Pursuant to Utah Code § 63G-4-502, the Commissioner is authorized to issue an order on an emergency basis if the facts known by or presented to the Commissioner show that an immediate and significant danger to the public health, safety, or welfare exists that requires the Commissioner's immediate action.

16. Respondent violated Utah Code § 31A-23a-105(5)(a)(ii), by committing an act that is grounds for denial, suspension, or revocation as set forth in Section 31A-23a-111;

17. Respondent violated Utah Code § 31A-23a-105(2)(b)(ii), by failing to report a criminal prosecution taken against the Respondent;

18. Respondent violated Utah Code § 31A-23a-107(2)(a)(ii), by failing to meet the trustworthy character requirement;

19. Respondent violated Utah Code § 31A-23a-111(5)(b)(i), by being unqualified for a license under Utah Code § 31A-23a-104, 105, or 107;

20. Pursuant to Utah Code § 31A-23a-111(5)(b)(ii) Respondents violated Utah insurance law by violating an insurance statute or rule.

21. Respondent violated Utah Code § 31A-23a-111(5)(b)(xvi), when in the conduct of business in this state or elsewhere uses fraudulent, coercive, or dishonest practices; or demonstrates

incompetence, untrustworthiness, or financial irresponsibility; and

22. Respondent violated Utah Code § 31A-23a-111(5)(b)(xxiv), by engaging in a method or practice in the conduct of business that endangers the legitimate interests of customers and the public.

ORDER

Based upon the Findings of Fact, Conclusions of Law, effective immediately, it is ordered that:

1. Respondent's Utah resident producer individual license, number 48198, is suspended.
2. Respondent shall immediately cease and desist from conducting any insurance related business in the State of Utah, or on Ute Tribal lands, including servicing or assisting on new or existing insurance policies.
3. Respondent shall promptly comply with all requests for information from the Utah Insurance Department.
4. Respondent shall promptly comply with all requests for information from any insurer.

DATED this 21st day of November 2023.

JONATHAN T. PIKE
Utah Insurance Commissioner

/s/ Donald H. Hansen
DONALD H. HANSEN
Administrative Law Judge/Presiding Officer
Utah Insurance Department
4315 S. 2700 W., Suite 2300
Taylorsville, UT 84129
Telephone: 801-957-9321
Email: uidadmincases@utah.gov

DECLARATION

Under criminal penalty of Utah law, I, Connie Nowland, personally attest to the facts set forth in the Findings of Fact and declare the following:

1. I am currently employed as a Market Conduct Examiner with the Utah Insurance Department (“Department”) where my responsibilities include investigating and enforcing Utah insurance laws.

2. I submit this Declaration as the basis for issuing an Emergency Order against Randy A. Richins (“Respondent”) to which this Declaration is attached.

3. Based on my personal knowledge and/or based on the facts appearing in the Department’s records and files, the following facts are true:

a. Randy A. Richins (“Respondent”) is a Utah resident producer individual licensee holding Utah license number 48198.

b. On November 8, 2023, the Utah Insurance Department (“Department”) received a complaint from the Ute Indian Tribe of the Uintah and Ouray Reservation (the “Tribe”) which alleged, among other things, that Respondent had used his status as an insurance agent to gain access to the Ute Reservation, then targeted and victimized female Tribe members while conducting insurance business on the Reservation.

c. Information from the Tribe detailed that Respondent would travel to the Ute Reservation every Tuesday to sell and service life insurance policies to Tribe members. Based on the type of life insurance policy obtained, the policy owner could borrow against the cash value of the policy, in the form of a check drafted from Respondent’s business account. The policy owner would then repay the cash loan by way of their payroll deductions back to the Respondent’s business account.

d. The Tribe alleged that on several occasions, Respondent made loans to female Tribe

members, but from his personal account, rather than his business account. Respondent would then make sexual advances towards the female Tribe member, asking the female Tribe member how she planned to repay the loan, then offering her to come back to his motel room. Respondent asked one Tribe member if she wanted to “pay back the loan in another way” and asked her if she would like to meet him at his motel in Ballard. Respondent also sent her a text message asking her if she would like to exchange photos and “are you going to just leave me all hard and turned on”. Later that day, the Tribe member received another text from the Respondent which showed two photos of an adult male in his underwear. One of the photos depicted the male with an erection.

e. On February 17, 2021, after having received numerous reports from Tribe members regarding the Respondent, the Tribe enacted Resolution No. 21-043 (“Banishment Order”), which ordered the Respondent’s immediate exclusion and removal from the Reservation, citing a pattern of lewd and lascivious acts upon Tribal members which threatened the peace and safety of the Tribal membership.

f. The Respondent continued to illegally enter the Tribe’s Reservation and do insurance business on the Reservation in violation of the Banishment Order.

g. On April 24, 2023, the Tribe issued a cease-and-desist order to the Respondent demanding that he comply with the Banishment Order.

h. Subsequent investigation by the Department found criminal cases against the Respondent charging a similar pattern of sexual misconduct as alleged by the Ute Tribe members.

i. On March 26, 2019, Respondent was charged by information with two (2) counts of Lewdness-First or Second Offense, both Class B Misdemeanors. On October 7, 2019, Respondent entered guilty pleas to both counts as charged. The pleas were held in abeyance. The fact pattern that the Respondent pled guilty to states that “Richins, an insurance agent, invited a female member of the Ute Tribe to his hotel room to discuss a loan and an insurance policy. When the woman

arrived with her adult daughter, [Richins] invited them in, [Richins was] completely naked, exposing his genitals to both women. The women immediately left the room.” (See State of Utah vs. Randy Arthur Richins, Case No. 191900110, Uintah County Justice Court, Uintah County, State of Utah.)

j. On June 12, 2019, Respondent was charged by information with one (1) count of Pay/Offer/Agree To Pay Fee or Equivalent for Sexual Act, a Class A Misdemeanor. On February 11, 2020, the Respondent entered a no contest plea, which was held in abeyance. The fact pattern the Respondent pled to states that “Richins sent text messages to a woman from the Ute Tribe to whom he had made a loan. In the text he asked the woman if she would like to pay him back “another way,” and then sent her photos of an erect penis in underwear. The next day, the woman met [Richins] in a public place to repay the loan and he asked her: “are you sure you don’t want to exchange sex for payment?” (See State of Utah vs. Randy Arthur Richins, Case No. 191800423, Eighth District Court, Vernal Department, Uintah County, State of Utah.)

k. Respondent failed to report the criminal cases to the Department as required by Utah law.

4. Based on the foregoing, there is substantial cause to believe that an immediate and significant danger to the public health, safety, or welfare exists that requires immediate action.

5. The above declared facts demonstrate that the following Utah insurance law(s) were not complied with:

a. Respondent violated Utah Code § 31A-23a-105(5)(a)(ii), by committing an act that is grounds for denial, suspension, or revocation as set forth in Section 31A-23a-111;

b. Respondent violated Utah Code § 31A-23a-105(2)(b)(ii), by failing to report a criminal prosecution taken against the Respondent;

c. Respondent violated Utah Code § 31A-23a-107(2)(a)(ii), by failing to meet the

trustworthy character requirement;

d. Respondent violated Utah Code § 31A-23a-111(5)(b)(i), by being unqualified for a license under Utah Code § 31A-23a-104, 105, or 107;

e. Pursuant to Utah Code § 31A-23a-111(5)(b)(ii) Respondents violated Utah insurance law by violating an insurance statute or rule.

f. Respondent violated Utah Code § 31A-23a-111(5)(b)(xvi), when in the conduct of business in this state or elsewhere uses fraudulent, coercive, or dishonest practices; or demonstrates incompetence, untrustworthiness, or financial irresponsibility; and

g. Respondent violated Utah Code § 31A-23a-111(5)(b)(xxiv), by engaging in a method or practice in the conduct of business that endangers the legitimate interests of customers and the public.

DATED this 21st day of November 2023, at Salt Lake City, Salt Lake County, Utah.

/s/ Connie Nowland

Connie Nowland, Market Conduct Examiner
Utah Insurance Department

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing Emergency

Order was mailed to and electronically emailed to:

Randy A. Richins

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

and

Connie Nowland
4315 S. 2700 W., Suite 2300
Taylorsville, UT 84129

[REDACTED]

DATED this 21st day of November 2023.

/s/ Jeanine Couser

Jeanine Couser
Utah Insurance Department
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Taylorsville, UT 84129
801-957-9321