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BEFORE THE UTAH INSURANCE COMMISSIONER

UTAH INSURANCE DEPARTMENT, Complainant, vs. HILARIE H. WAHL Respondent.	FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER Docket No. 2018-033PC Lisa Watts Baskin Presiding Officer
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Complainant, Utah Insurance Department ("Department") and Respondent, Hilarie H. Wahl, have stipulated to entry of the following Findings of Fact, Conclusions of Law, and Order. Based upon that stipulation, and good cause appearing, the Presiding Officer makes and enters the following:

FINDINGS OF FACT

1. Respondent is a resident individual producer holding license number 15143.
2. Respondent's mailing address is 845 East 13800 South, Draper, Utah 84020.
3. On April 11, 2018, the Department entered a Notice of Agency Action and Order with a forfeiture of \$750.00 against Respondent. See Exhibit 1.

4. Respondent has not yet paid the forfeiture.
5. The Department and Respondent have agreed to a payment plan regarding the forfeiture and to a period of probation for Respondent.

CONCLUSIONS OF LAW

1. The Utah Insurance Commissioner (“Commissioner”) has jurisdiction over the parties and this adjudicative proceeding pursuant to Utah Code §§ 31A-1-105 and 31A-2-201.
2. The Commissioner has legal authority to impose penalties on the Department's licensees who violate the Utah Insurance Code. Utah Code § 31A-2-308. The Commissioner may extend a compromise to any forfeiture under Utah Code § 31A-2-308(1)(d). The Commissioner may place a licensee on probation under Utah Code § 31A-2-308(11).
3. Respondent’s conduct violates Utah Code § 31A-2-202.
4. As penalties for the violations in this case, Respondent has already been ordered to pay a forfeiture of \$750.00.

ORDER

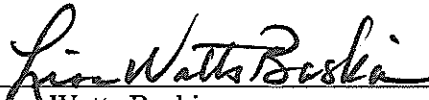
Based on the foregoing Findings of Fact and Conclusions of Law, it is hereby Ordered that:

1. Respondent shall pay a forfeiture of \$750.00 in monthly installments of \$62.50 beginning on ~~September~~ ^{October} 1, 2018.
2. Respondent is placed on probation for 12 months.
3. Respondent shall provide a detailed response to the original consumer complaint #69267 by ~~September~~ ^{October} 1, 2018.
4. Respondent is ordered not to commit the violations described in the Conclusions of

Law in the future.

DATED this 6th day of September, 2018.

TODD E. KISER
Utah Insurance Commissioner



Lisa Watts Baskin
Presiding Officer
Utah Insurance Department

NOTICE TO RESPONDENT

You are hereby notified that a failure to obey an Order of the Commissioner may subject you to further penalties, including forfeitures of up to \$5,000 per violation and the suspension or revocation of your license and the filing of an action in district court, which may impose forfeitures of up to \$10,000 per day for continued violation. You are further notified that other jurisdictions in which you may be licensed may require that you report this action to them.

CERTIFICATE OF SERVICE

The undersigned certifies that on this date a true and correct copy of the foregoing Findings of Fact, Conclusions of Law and Order was emailed to:

Hilarie H. Wahl
hilariehouseel@yahoo.com

Helen A. Frohlich
Assistant Attorney General
hfrohlich@agutah.gov

DATED this 6th day of September, 2018.



Tatiana Karaivanova
Utah Insurance Department
3110 State Office Building
Salt Lake City, UT 84114

EXHIBIT 1

**BEFORE THE INSURANCE COMMISSIONER
OF THE STATE OF UTAH**

UTAH INSURANCE DEPARTMENT,
Complainant,

v.

HILARIE H. WAHL

Respondent.

**NOTICE OF AGENCY ACTION AND
ORDER**

Docket No. 2018-033PC

Enforcement Case No. 3985

Lisa Watts Baskin, JD

Presiding Officer

The Utah Insurance Department has commenced this informal adjudicative proceeding pursuant to Utah Code Annotated §§ 31A-2-201 and 63G-4-201 and Utah Administrative Code Rule R590-160. Based upon information contained in agency files or known to the Commissioner, the Commissioner makes the following:

FINDINGS OF FACT

1. Respondent is a Resident Producer and licensed in the State of Utah and authorized to do business of insurance in the state of Utah. The Respondent license number is 259587.
2. Respondent is a Resident Producer licensed to market Property and Casualty products in the State of Utah.
3. On January 18, 2018, Respondent was asked to respond to the Utah Insurance Department regarding an investigation.
4. Between the dates of January 10, 2018 and February 16, 2018, numerous emails were exchanged between Respondent and the Utah Insurance Department.
5. On February 5, 2018, a letter was sent to Respondent via email, requesting her presence at the Utah Insurance Department on February 21, 2018 with available times for Respondent. Respondent did not reply to request.

6. On February 22, 2018, an email was sent to Respondent informing her of requirement to reply to the Utah Insurance Department.

7. On February 28, 2018, Respondent emailed the Utah Insurance Department regarding prior email, and an appointment was scheduled for March 21, 2018 at 11:00 A.M.

8. On March 21, 2018, Respondent notified Department that she would not be able to appear and asked to reschedule. New appointment was rescheduled for March 27, 2018 at 11:00 A.M. Respondent was informed that this would be last time appointment would be rescheduled and if respondent did not appear a fine would be imposed. Respondent confirmed.

9. On March 27, 2018, Respondent did not appear for appointment.

Having entered his Findings of Fact, the Commissioner now enters his:

CONCLUSION OF LAW

1. Utah Code § 31A-2-202 Reports and Replies.

(1)When relevant, either directly or indirectly, to the performance of the commissioner's duties under this title, the commissioner may require from any person subject to regulation under this title:

(a) in whatever reasonable form and reasonable intervals the commissioner designates:

(i) a statement;

(ii) a report;

(iii) an answer to a questionnaire;

(iv) other information

Based upon the foregoing Findings of Fact and Conclusions of Law, the Commissioner now enters the following:

ORDER

IT IS HEREBY ORDERED:

1. Respondent is assessed an administrative forfeiture in the amount of \$750.00. Said forfeiture shall be paid no later than ten (10) days after the date this Order becomes final...

2. Pursuant to Utah Code § 63G-4-203(1) and Utah Admin. Code R590-160-7(1), this informal adjudicative proceeding shall be deemed closed, **and this Order shall become final and take full effect, 15 days after this Notice of Agency Action and Order is electronically mailed to Respondent unless a request for a hearing on this matter is received from Respondent prior to that date.**

3. A request for a hearing shall be sent by electronic mail to uidadmincases@utah.gov or by U.S. mail to the Utah Insurance Department, 3110 State Office Building, and Salt Lake City, UT 84114. The request for hearing shall be signed by the person making the request and shall state the basis for the relief requested.

DATED THIS 11th day of April, 2018.

TODD E. KISER
INSURANCE COMMISSIONER



Lisa Watts Baskin
Presiding Officer
Utah Insurance Department
State Office Building, Room 3110
Salt Lake City, UT 84114
Telephone: (801) 538-3800
Email: lbaskin@utah.gov

NOTICE REGARDING ENFORCEMENT OF THE ORDER

Failure to obey the Order may subject you to further penalties that include forfeitures of up to \$2,500 per violation, license suspension or revocation, further enforcement action before the Utah District Court where forfeitures of up to \$10,000 may be imposed. If you are licensed in other jurisdictions, you may be required to report this proceeding to those jurisdictions.

DECLARATION

Under criminal penalty of Utah law, I, Cherrie Roberts, declare the following:

1. I am currently employed as a Market Conduct Examiner with the Utah Insurance Department where my responsibilities include receiving reports and enforcing their receipt in a timely manner.

2. I submit this Declaration as the basis for issuing the Notice of Agency Action and Order to which this Declaration is attached.

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

A. Respondent is a Resident Producer and licensed in the State of Utah and authorized to do business of insurance in the state of Utah. The Respondent license number is 259587.

B. Respondent is a Resident Producer licensed to market Property and Casualty products in the State of Utah.

C. On January 18, 2018, Respondent was asked to respond to the Utah Insurance Department regarding an investigation.

D. Between the dates of January 10, 2018 and February 16, 2018, numerous emails were exchanged between Respondent and the Utah Insurance Department regarding response required.

E. On February 5, 2018, a letter was sent to Respondent via email, requesting her presence at the Utah Insurance Department on February 21, 2018, with available times. Respondent did not reply to request.

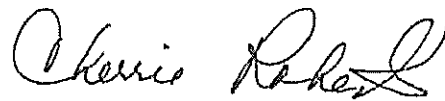
F. On February 22, 2018, an email was sent to Respondent informing her of requirement to reply to the Utah Insurance Department.

G. On February 28, 2018, Respondent emailed Utah Insurance Department regarding prior email, and an appointment was scheduled for March 21, 2018 at 11:00 A.M.

H. On March 21, 2018, Respondent notified Department that she would not be able to appear and asked to reschedule. New appointment was rescheduled for March 27, 2018 at 11:00 A.M. Respondent was informed that this would be last time appointment would be rescheduled and if respondent did not appear a fine would be imposed. Respondent confirmed.

I. On March 27, 2018, Respondent did not appear for appointment.

DATED THIS 30 day of March 2018.




MARKET CONDUCT EXAMINER
Utah Insurance Department

CERTIFICATE OF SERVICE

I hereby certify that on this date, a true and correct copy of the foregoing **NOTICE OF AGENCY ACTION AND ORDER**, with attached **DECLARATION**, was sent via U.S Mail and electronic mail, to the following:

Hilarie H. Wahl
845 East 13800 South
Draper, UT 84020
Email: hilariehouse1@yahoo.com

DATED this 12th day of April, 2018.



JEANINE P. COUSER
Utah Insurance Department
State Office Building, Room 3110
Salt Lake City, UT 84114